

EXHIBIT 31



**LegalMetric District Report
Texas Western District Court
in Patent Cases**

January 2017-September 2021

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Overview

This report covers the patent cases of the active judges in the Texas Western District Court as of November 2021 (the date of the most recent LegalMetric docket download for this court). Cases of inactive judges are not included.

The number of cases, judgments, contested judgments, and trials for this court are shown below.

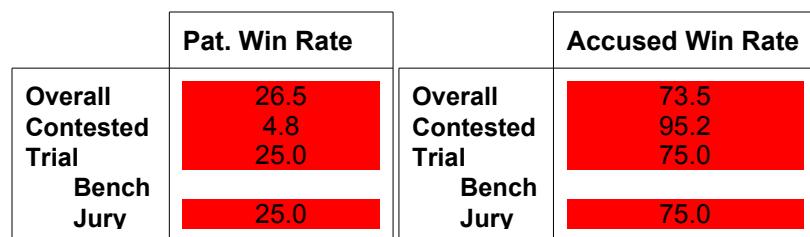
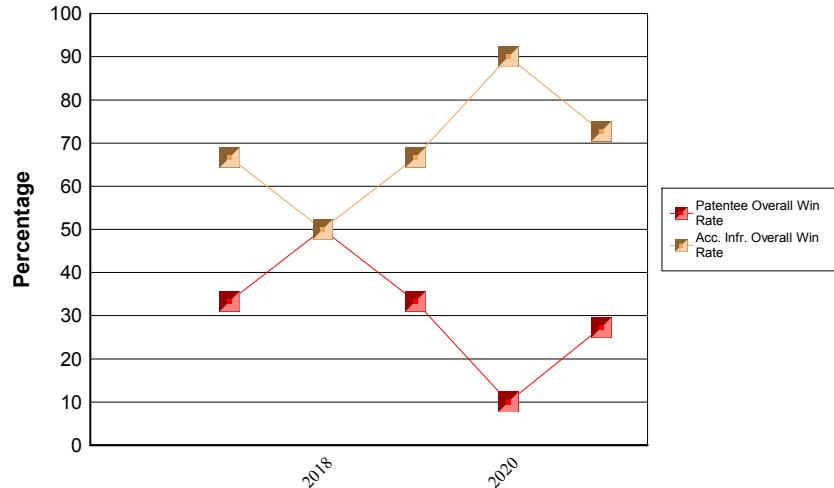
| | Number |
|----------------------------|--------|
| Total Cases | 2083 |
| Open Cases | 865 |
| Closed Cases | 1218 |
| Judgments | 34 |
| Contested Judgments | 21 |
| Trials | 4 |
| Bench | 0 |
| Jury | 4 |

The overall win rate, contested win rate, and trial win rate for the patentee are shown to the right and the corresponding times to termination are shown below. Contested win rates do not include consent and default judgments.

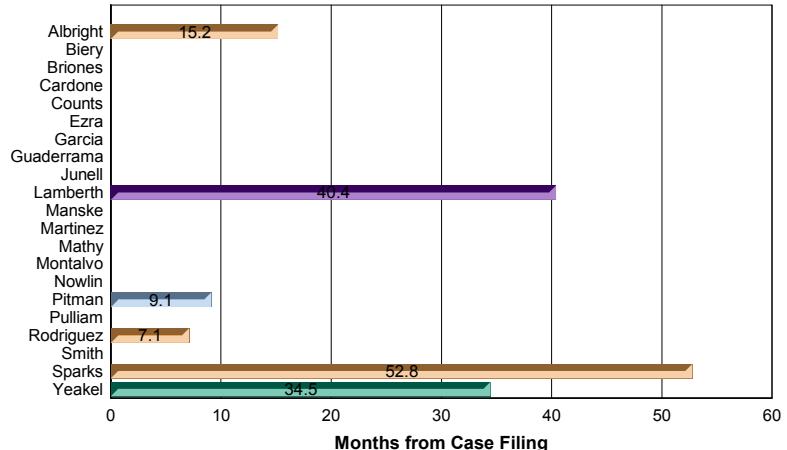
| | Months |
|------------------|--------|
| All Cases | 7.2 |
| Judgments | 21.5 |
| Contested | 26.4 |
| Trial | 25.9 |
| Bench | |
| Jury | 25.9 |

Color Scheme: Red in the tables indicates a win rate more than 10% more favorable to the ACCUSED INFRINGER, or a pendency time at least 6 months SLOWER than the national average. Yellow indicates a win rate from 0% to 10% more favorable to the ACCUSED INFRINGER, or a pendency time from 0 to 6 months SLOWER than the national average. Bright (lime) green indicates a win rate from 0% to 10% more favorable to the PATENTEE, or a pendency time from 0 to 6 months FASTER than the national average. And dark green indicates a win rate more than 10% more favorable to the PATENTEE than the national average, or a pendency time over 6 months FASTER than the national average.

Patentee and Accused Infringer Overall Win Rate by Year



Average Time to Termination by Judgment



[Larger Version in Body of Report](#)

The average and median award amounts for this district are:

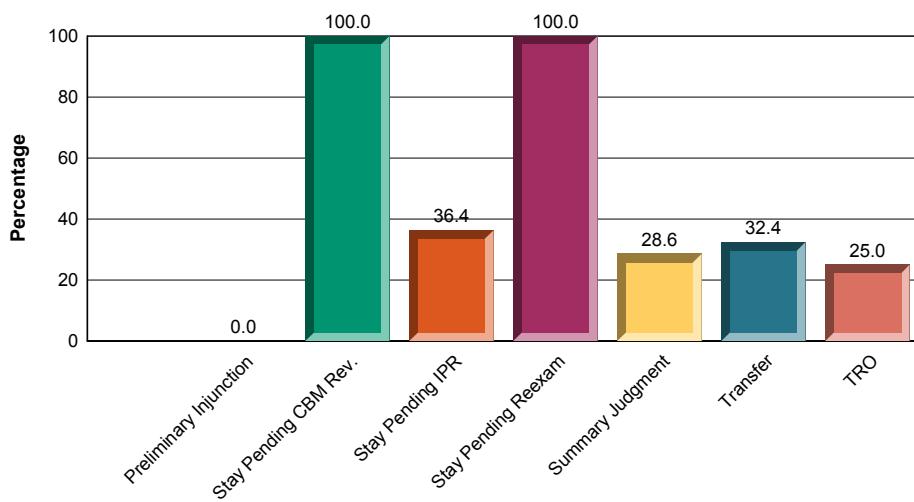
Average: \$200,000
Median: \$200,000

Appeals:

| | Number of Appeals | Complete Affirmance Rate |
|--------------|-------------------|--------------------------|
| Total | 31 | 25.0 |

Motions and Claim Construction:

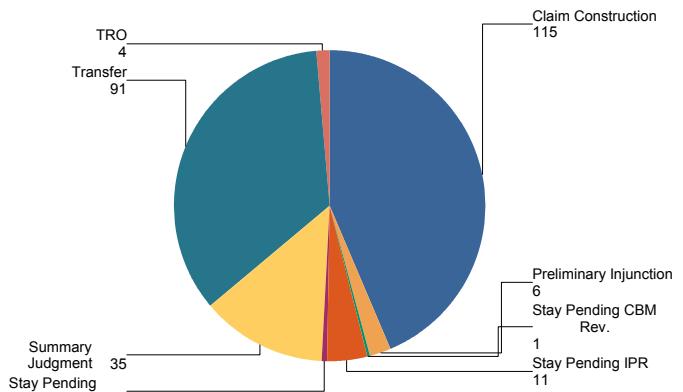
The win rates on various motions for the district (if any), along with the number of decisions and the number of claim construction decisions are shown below.

Win Rates on Contested Motions

| | Win Rate |
|-----------------------|----------|
| Stay Pending CBM Rev. | 100.0 |
| Stay Pending IPR | 36.4 |
| Stay Pending Reexam | 100.0 |
| Summary Judgment | 28.6 |
| Transfer | 32.4 |
| TRO | 25.0 |

Number of Decisions

| Motion | Number of Decisions |
|------------------------|---------------------|
| Claim Construction | 115 |
| Preliminary Injunction | 6 |
| Stay Pending CBM Rev | 1 |
| Stay Pending IPR | 11 |
| Stay Pending Reexam | 1 |
| Summary Judgment | 35 |
| Transfer | 91 |
| TRO | 4 |

Number of Decisions

Alice Motions: The number of Alice motions and win rates on those motions are shown below, by motion type.

| | | Total | |
|----------------------|----------------------------------|-----------------|----------------------------|
| | | Win Rate | Number of Decisions |
| Total | | 41.9 | 31 |
| Texas Western | Total | 41.9 | 31 |
| | Dismissal Motion | 21.7 | 23 |
| | Judgment on the Pleadings | 100.0 | 6 |
| | Summary Judgment | 100.0 | 2 |

Home Field Advantage?

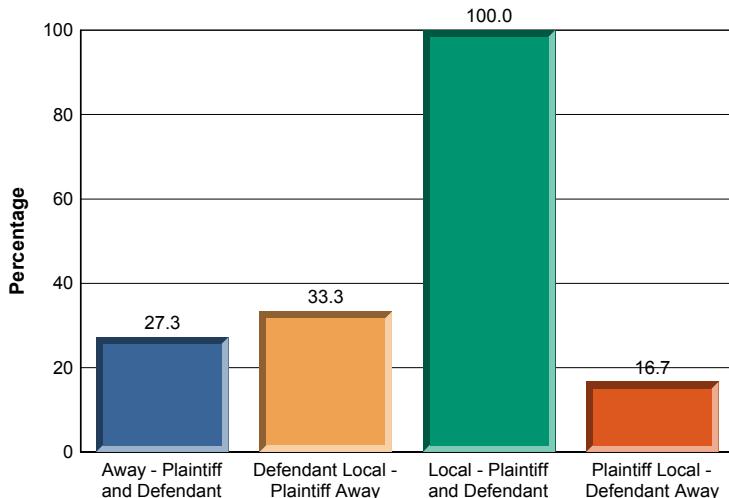
The plaintiff and defendant contested win rates in Texas Western District Court are shown below, broken out by party location:

(Away - Plaintiff and Defendant (neither side located in the forum), Defendant Local - Plaintiff Away (only defendant located in the forum), Local - Plaintiff and Defendant (both sides located in the forum) and Plaintiff Local - Defendant Away (plaintiff local - defendant not).

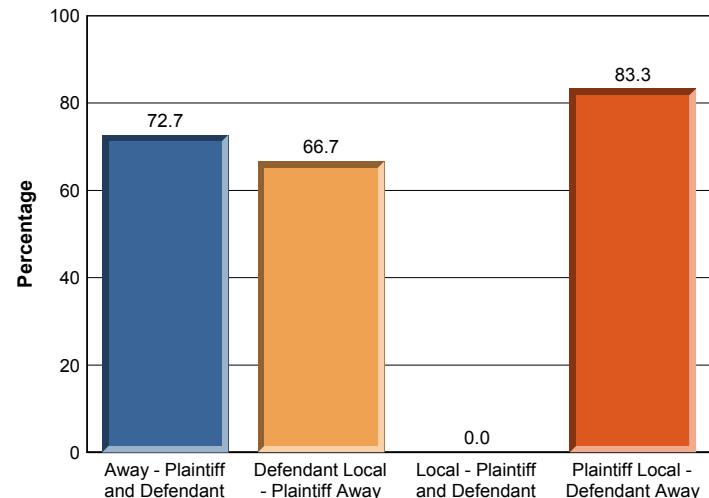
Not all courts fit the expected pattern of favoring local plaintiffs. Many courts in fact show a distinct preference for non-local plaintiffs.

The win rate charts are followed by a chart illustrating the fractions of contested judgment cases (cases in which a judgment is entered in favor of a party, but excluding consent and default judgments) for each category (all local plaintiffs, etc.). Many well-known patent venues tend to have a large segment of cases in the "Away - Plaintiff and Defendant" category.

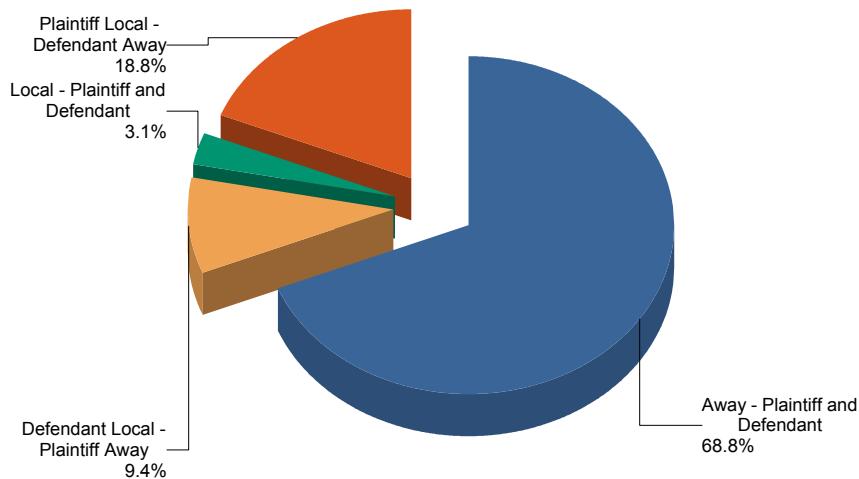
Plaintiff Win Rate, by Party Location



Defendant Win Rate, by Party Location



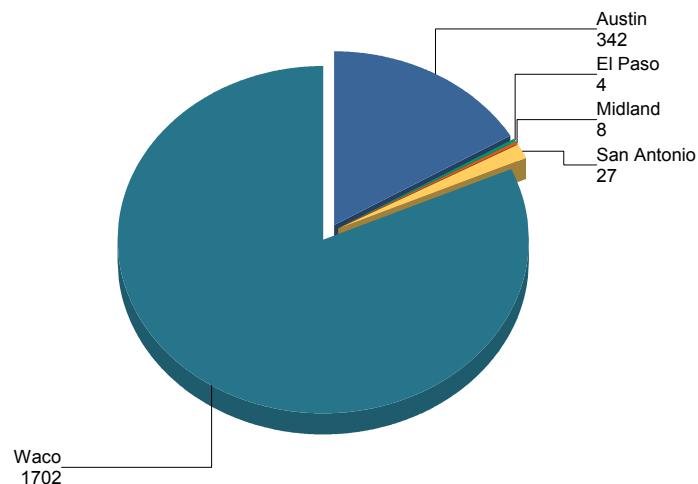
Fraction of Contested Judgments, by Party Location



Breakdown by Division

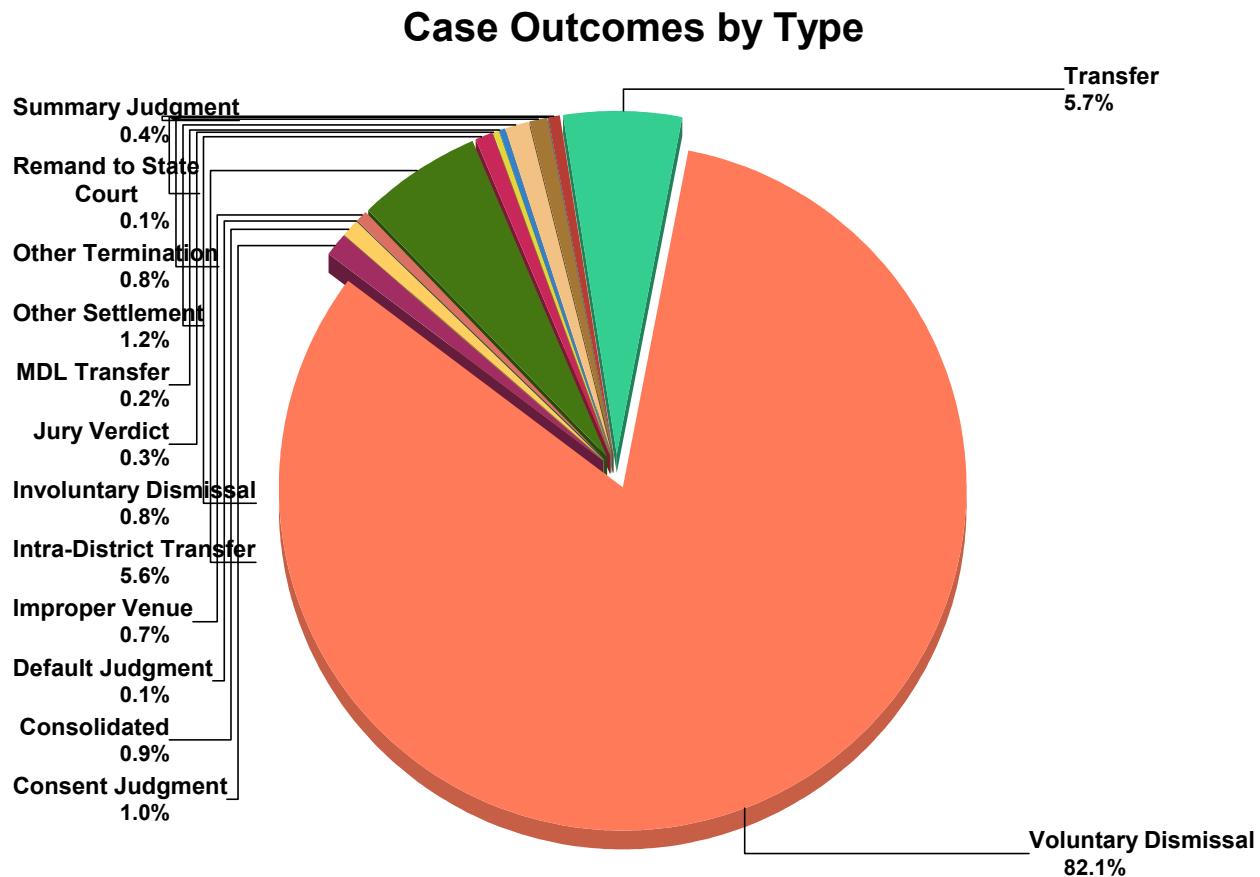
The breakdown of patent cases by division is illustrated in the following chart:

Total Patent Cases, by Division



Breakdown by Case Outcome

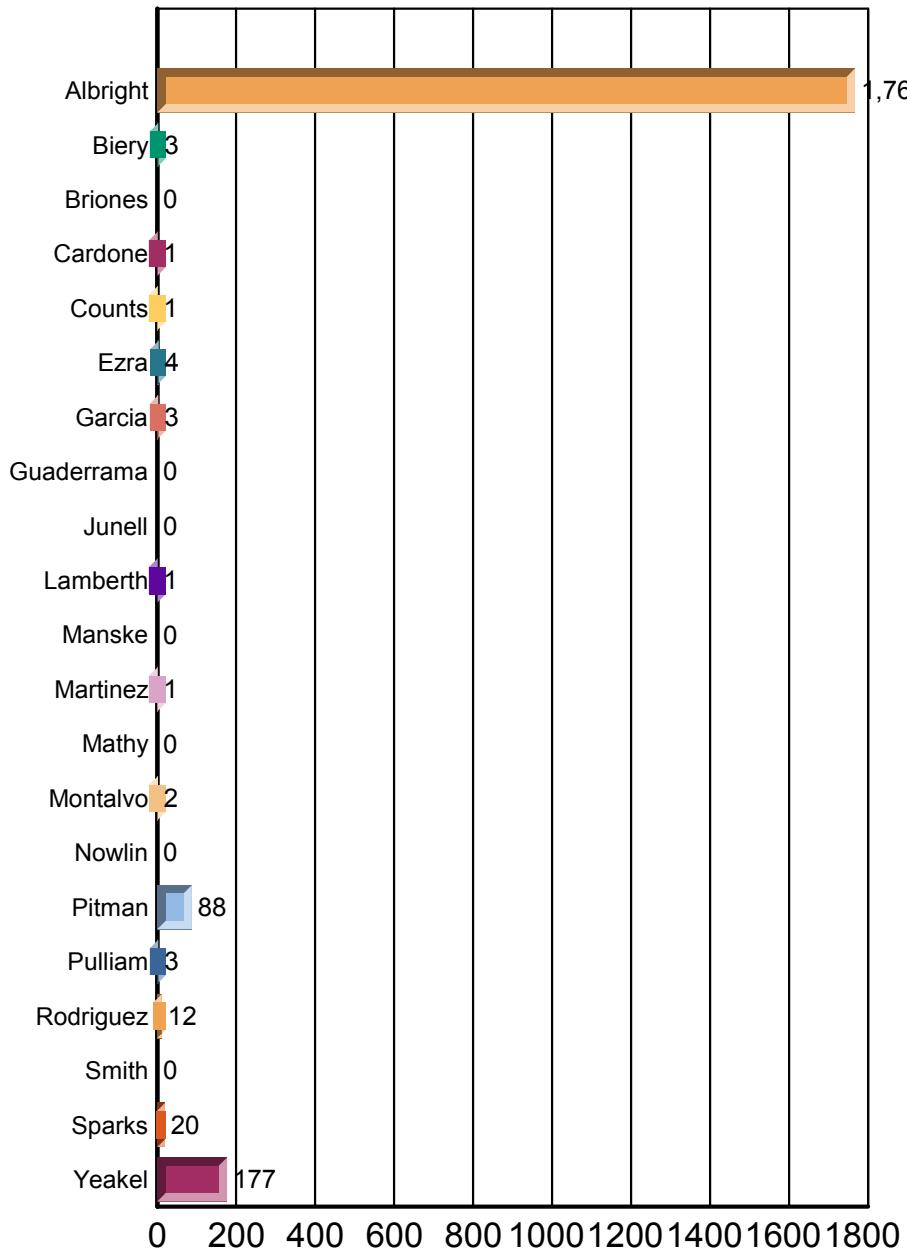
The breakdown of patent cases by case outcome is illustrated in the following chart:



Breakdown by Judge

The chart and table below illustrates the total number of patent cases for each of the active judges in the district. In addition, the table shows the number of patent cases for the past three years assigned to each judge.

Number of Cases, by Judge

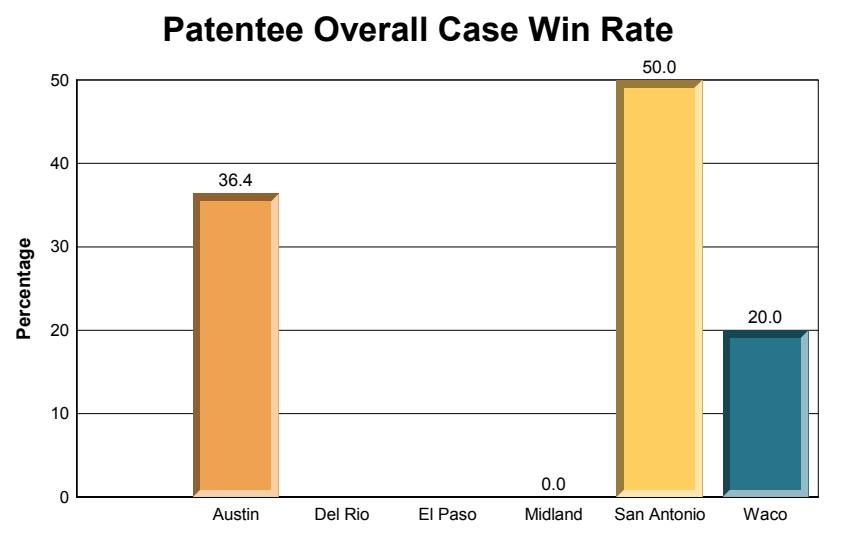


| | All Cases | Last Three Years |
|------------------|-----------|------------------|
| District | 2083 | 1915 |
| Albright | 1767 | 1753 |
| Biery | 3 | 0 |
| Cardone | 1 | 0 |
| Counts | 1 | 0 |
| Ezra | 4 | 1 |
| Garcia | 3 | 0 |
| Lamberth | 1 | 0 |
| Martinez | 1 | 0 |
| Montalvo | 2 | 2 |
| Pitman | 88 | 63 |
| Pulliam | 3 | 2 |
| Rodriguez | 12 | 4 |
| Sparks | 20 | 0 |
| Yeakel | 177 | 90 |

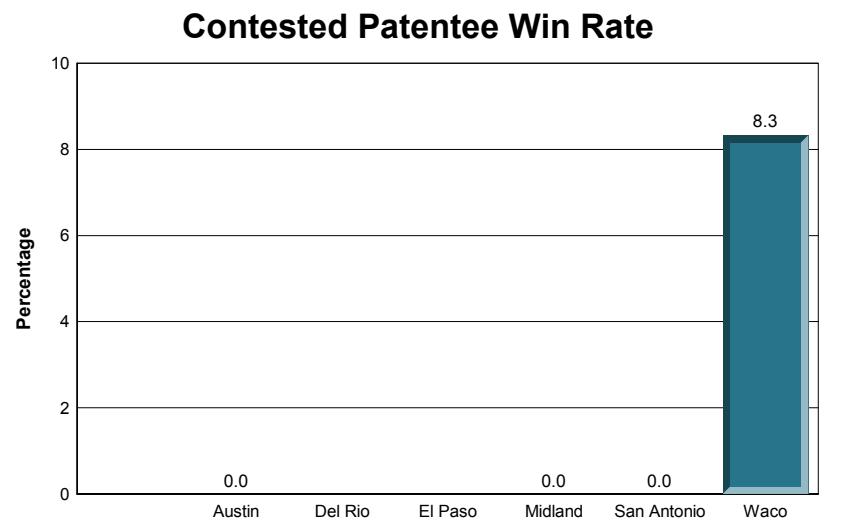
Divisional Comparisons

The overall patentee case win rate (includes consent and default judgments), contested win rate (does NOT include consent and default judgments), trial win rate, complete affirmation rate (appeals affirmed with no other action, divided by the total number of appeals except for dismissed and pending appeals), and average time to termination by judgment (includes consent and default judgments) are shown below for each division.

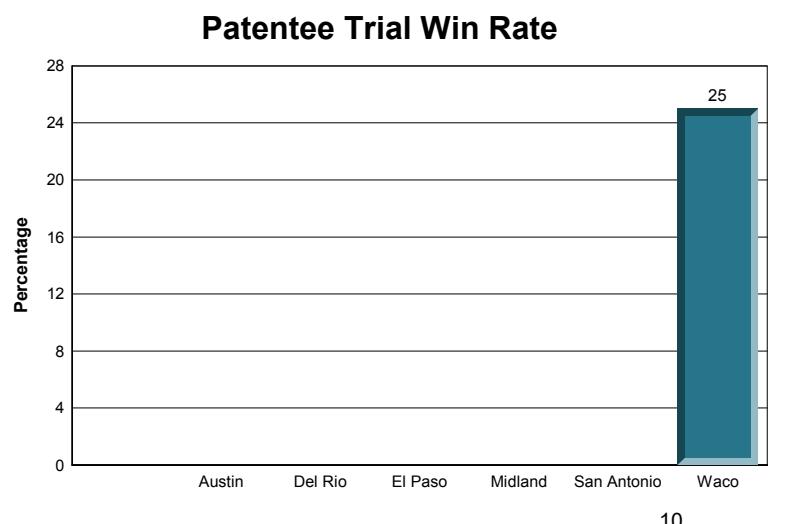
| Plaintiff Win Rate/ No. of Judgments | | |
|---|------|----|
| District | 26.5 | 34 |
| Austin | 36.4 | 11 |
| Midland | 0.0 | 1 |
| San Antonio | 50.0 | 2 |
| Waco | 20.0 | 20 |



| Contested Win Rate/ Number Contested | | |
|---|-----|----|
| District | 4.8 | 21 |
| Austin | 0.0 | 7 |
| Midland | 0.0 | 1 |
| San Antonio | 0.0 | 1 |
| Waco | 8.3 | 12 |



| Trial Win Rate/ Number of Trials | | |
|-------------------------------------|------|---|
| District | 25.0 | 4 |
| Waco | 25.0 | 4 |

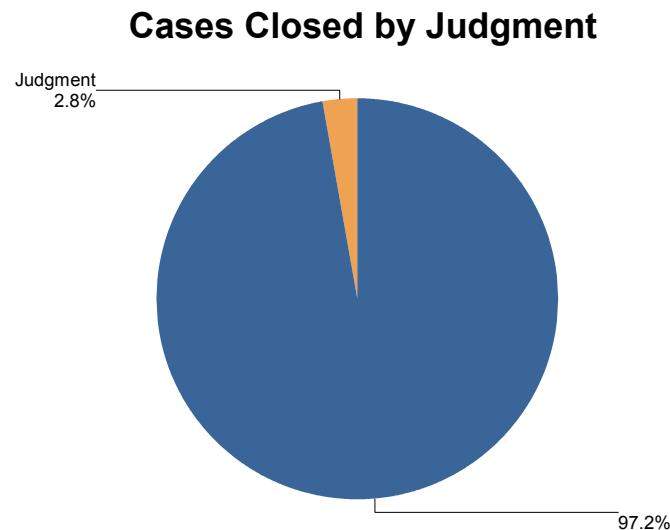




What are the Odds: Termination by Judgment

The percentage of closed patent cases terminated by judgment are shown in the chart to the right.

Terminations by judgments include terminations resulting from trials, from dispositive summary judgment motions, from involuntary dismissals, from consent judgments, and from default judgments.



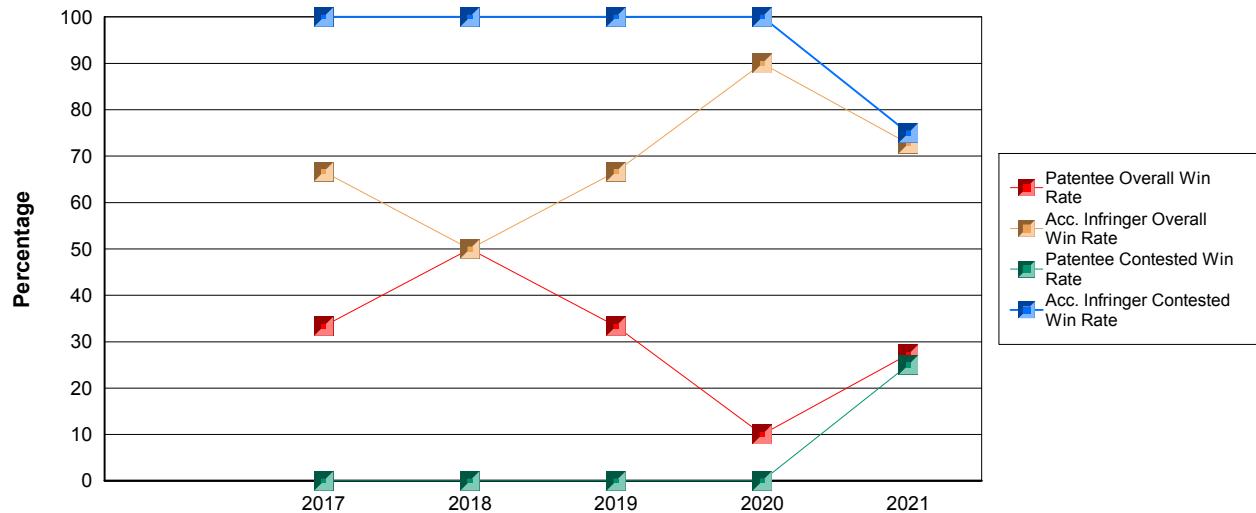
The number of judgments by each outcome, the overall patentee win rate, the contested patentee win rate, and the trial win rate for each outcome are shown below. Note that the overall win rate includes consent and default judgments, whereas the contested win rate does not include consent and default judgments. The figures given are for "patentees", rather than "plaintiffs". These figures take into account those declaratory judgment cases where the plaintiff is not the patentee.

| | Number of Judgments | Overall Win Rate | Contested Win Rate | Trial Win Rate |
|-----------------------|---------------------|------------------|--------------------|----------------|
| Consent Judgment | 12 | 58.3 | | |
| Default Judgment | 1 | 100.0 | | |
| Involuntary Dismissal | 10 | 0.0 | 0.0 | |
| Jury Verdict | 4 | 25.0 | 25.0 | 25.0 |
| Other Termination | 2 | 0.0 | 0.0 | |
| Summary Judgment | 5 | 0.0 | 0.0 | |

Win Rates by Year

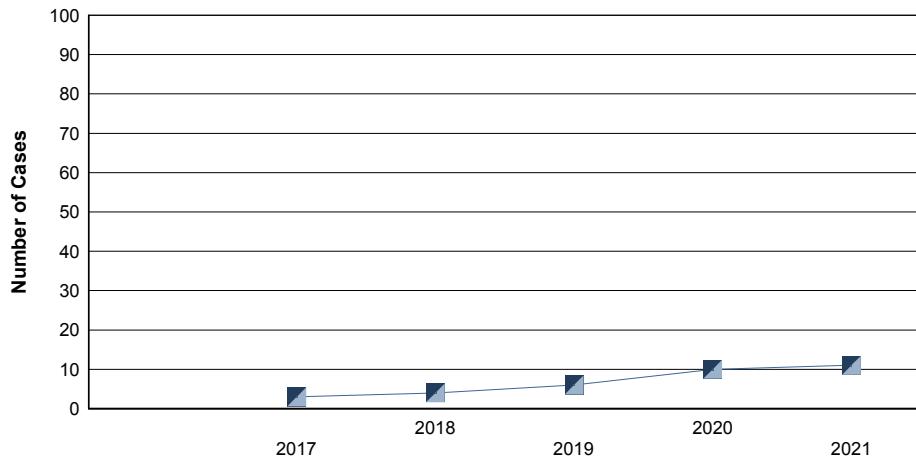
The following chart shows the patentee overall win rate and contested win rate for the active judges in the Texas Western District Court by year. The overall patentee win rate should be compared with the nationwide overall win rate of 54.3%, and the contested patentee win rate should be compared with the nationwide patentee contested win rate of 21.4%. A chart with a considerable amount of "jitter" reflects relatively few data points. Note that the contested patentee win rates are usually much lower than the overall win rates since they exclude consent and default judgments.

Patentee Win Rate by Year: Overall and Contested



The total number of terminations by judgment per year by the currently active judges during the same period in the Texas Western District Court is shown in the following chart:

Terminations by Judgment Each Year: Currently Active Judges



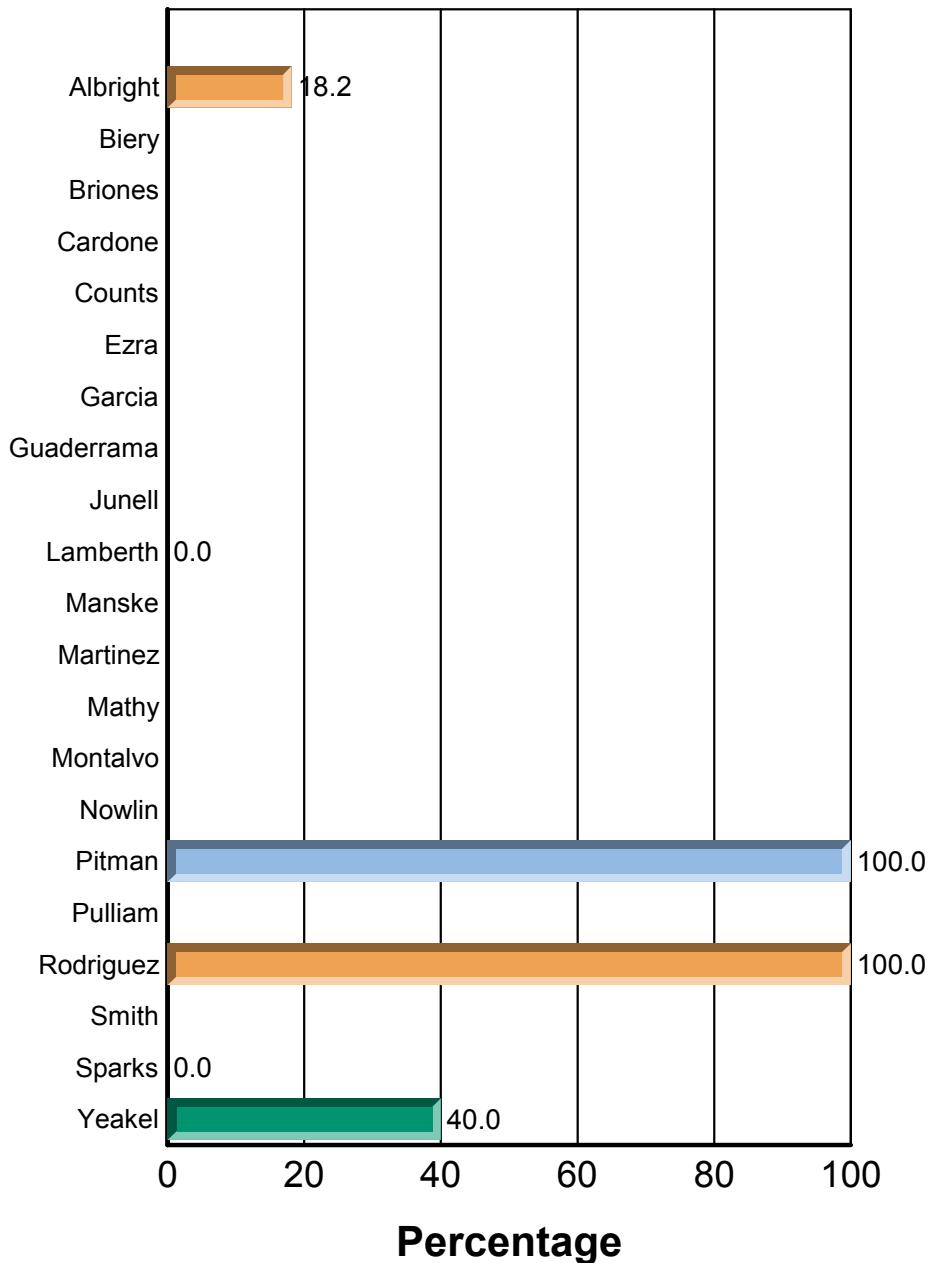
The actual number of judgments, number of patentee "wins", and the corresponding win rates are shown below. In this report, a judgment entered in favor of both the plaintiff and the defendant on their respective patent infringement claims is counted as "1/2" a win for each party. This could happen, for example, where the plaintiff files a patent infringement action, the defendant files a patent infringement counterclaim on its own patents, and both prevail on their respective claims.

| | Patentee Wins | Total Decisions | Patentee Win Rate | Acc. Infr. Win Rate |
|-------------|----------------------|------------------------|--------------------------|----------------------------|
| 2017 | 1 | 3 | 33.3 | 66.7 |
| 2018 | 2 | 4 | 50.0 | 50.0 |
| 2019 | 2 | 6 | 33.3 | 66.7 |
| 2020 | 1 | 10 | 10.0 | 90.0 |
| 2021 | 3 | 11 | 27.3 | 72.7 |

Patentee Overall and Contested Win Rates: By Judge

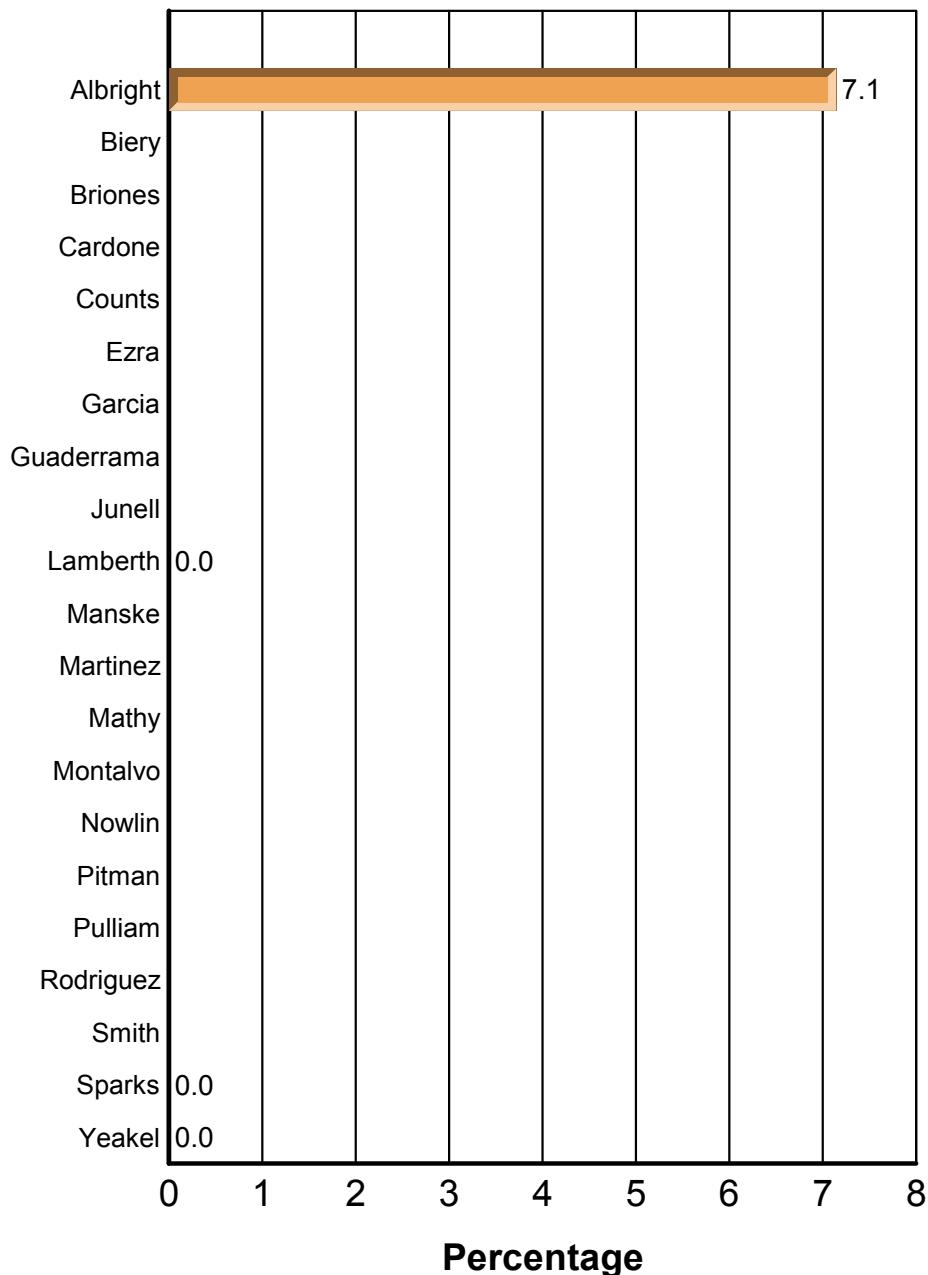
The overall patentee win rate varies significantly from judge to judge over the period covered by this report. The chart below illustrates these win rates for these judges. The win rate for judges with no terminations by judgment is left blank.

Patentee Overall Win Rate: By Judge



The patentee contested win rate for these judges is shown below. Note that contested win rates do not include consent and default judgments. The win rate for judges with no contested judgments is left blank.

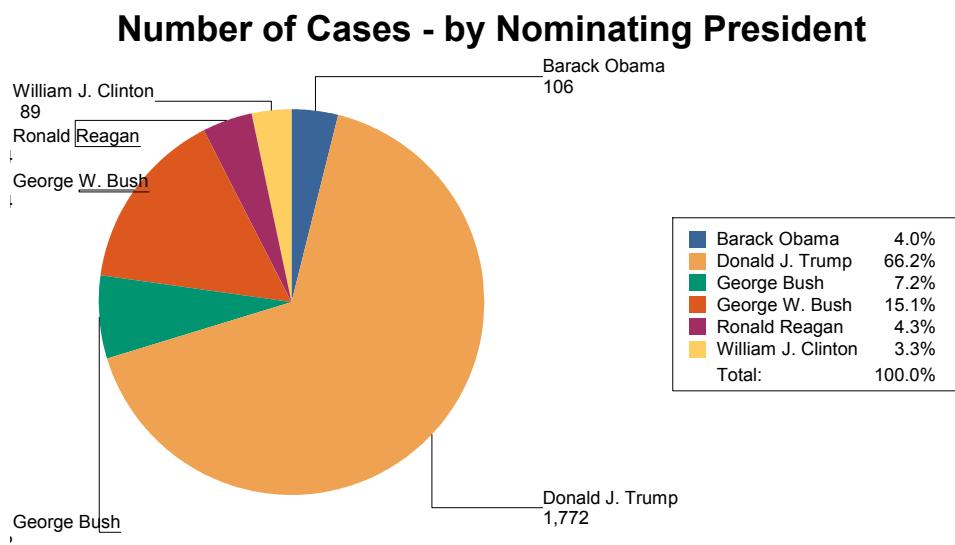
Patentee Contested Win Rate: By Judge



The table below includes the patentee overall and contested win rates for each active judge, along with the number of terminations by judgment and by contested judgment by that judge in patent cases during the period covered by this report. Judges with no judgments are not included.

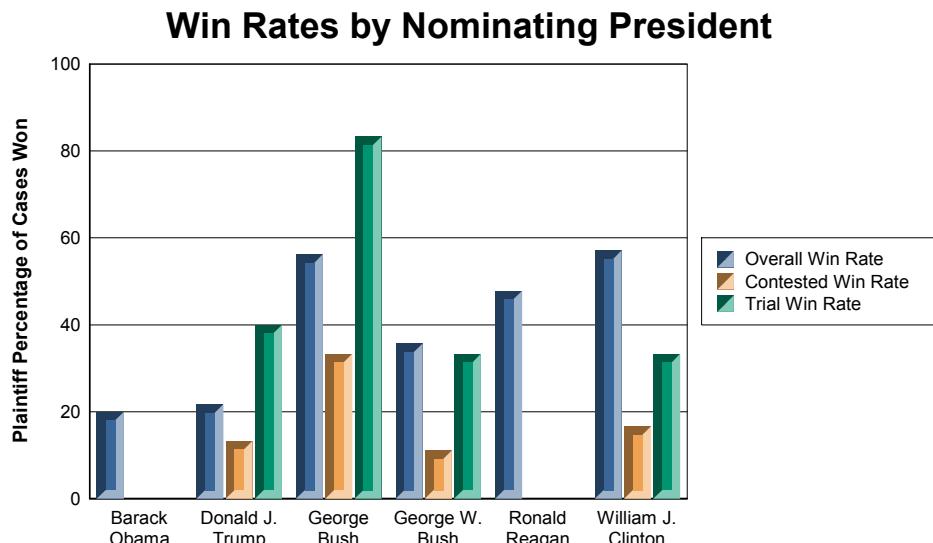
| | Overall Win Rate | Number of Judgments | Contested Win Rate | Contested Judgments |
|------------------|------------------|---------------------|--------------------|---------------------|
| Total | 26.5 | 34 | 4.8 | 21 |
| Albright | 18.2 | 22 | 7.1 | 14 |
| Lamberth | 0.0 | 1 | 0.0 | 1 |
| Pitman | 100.0 | 2 | | 0 |
| Rodriguez | 100.0 | 1 | | 0 |
| Sparks | 0.0 | 3 | 0.0 | 3 |
| Yeakel | 40.0 | 5 | 0.0 | 3 |

Patentee Win Rates: By Nominating President: The number of patent cases in this district assigned to active judges and the win rates for those cases are shown below, broken out by the nominating president.



Number of Cases: The number of cases assigned to active judges in this district is shown in the chart to the left, broken out by nominating president. This includes all cases of the type covered by this report.

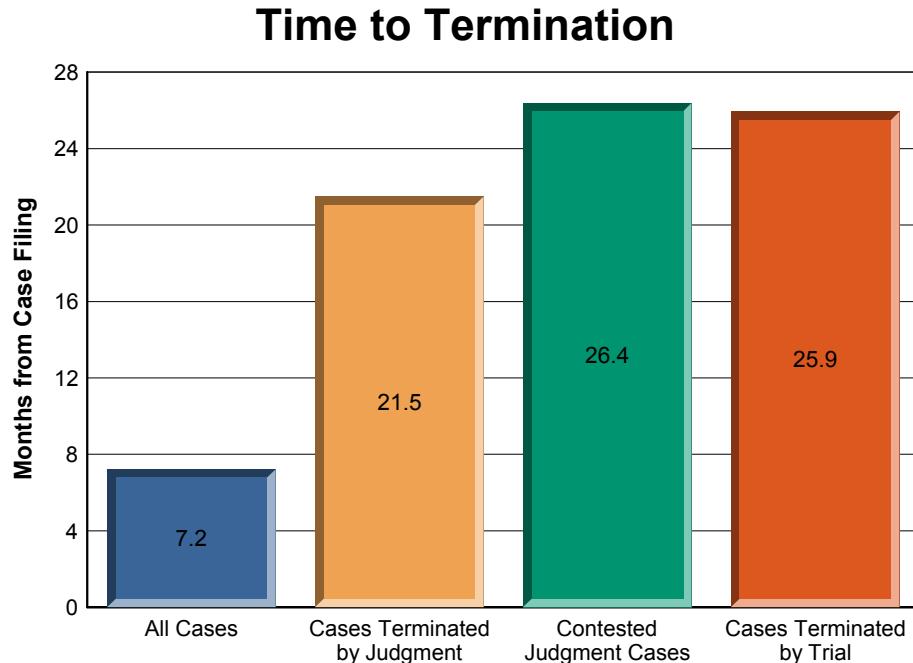
Patentee Win Rates: The win rates for these cases, broken out by nominating president, are shown in the chart to the right. This includes overall win rates (includes consent and default judgments), contested win rates (does NOT include consent and default judgments), and trial win rates (cases decided by bench trial or jury verdict).



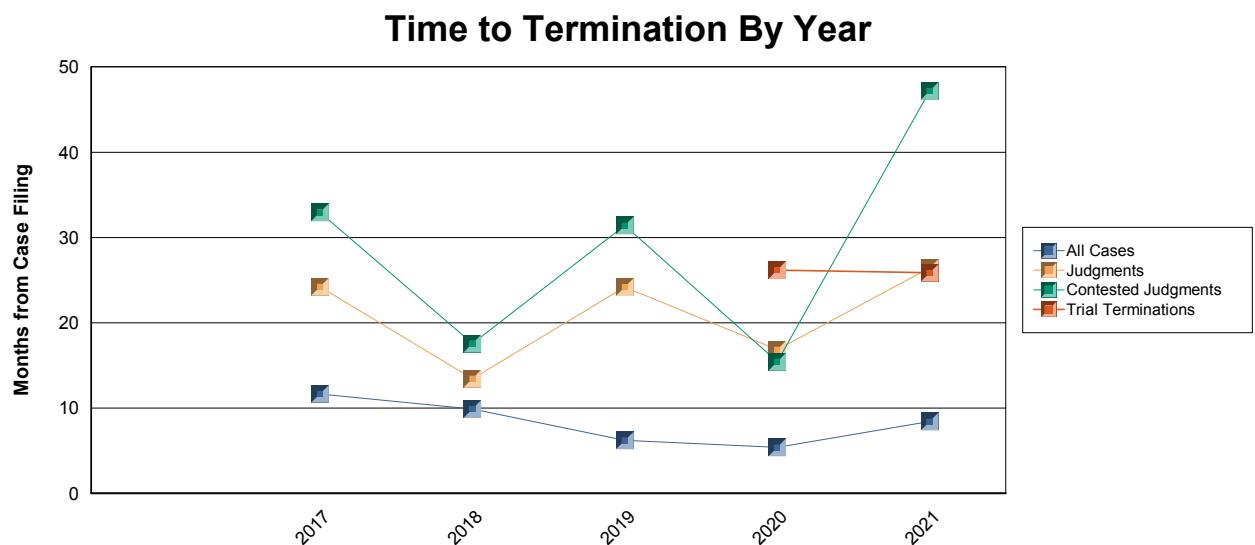
| | Total | | | | | |
|---------------------------|------------------|----------------|--------------------|--------------------------|----------------|-----------------------|
| | Overall Win Rate | # of Judgments | Contested Win Rate | # of Contested Judgments | Trial Win Rate | # of Trial Judgements |
| Barack Obama | 20.0 | 10 | 0.0 | 8 | | 0 |
| Donald J. Trump | 21.7 | 23 | 13.3 | 15 | 40.0 | 5 |
| George Bush | 56.3 | 32 | 33.3 | 21 | 83.3 | 6 |
| George W. Bush | 35.7 | 28 | 11.1 | 18 | 33.3 | 3 |
| Ronald Reagan | 47.8 | 23 | 0.0 | 12 | | 0 |
| William J. Clinton | 57.1 | 21 | 16.7 | 6 | 33.3 | 3 |

How Long? Time to Termination

The average time from case filing to termination for all closed cases, for all cases terminated by judgment, for all cases terminated by contested judgment, and for all cases terminated by trial covered by this report are shown below.



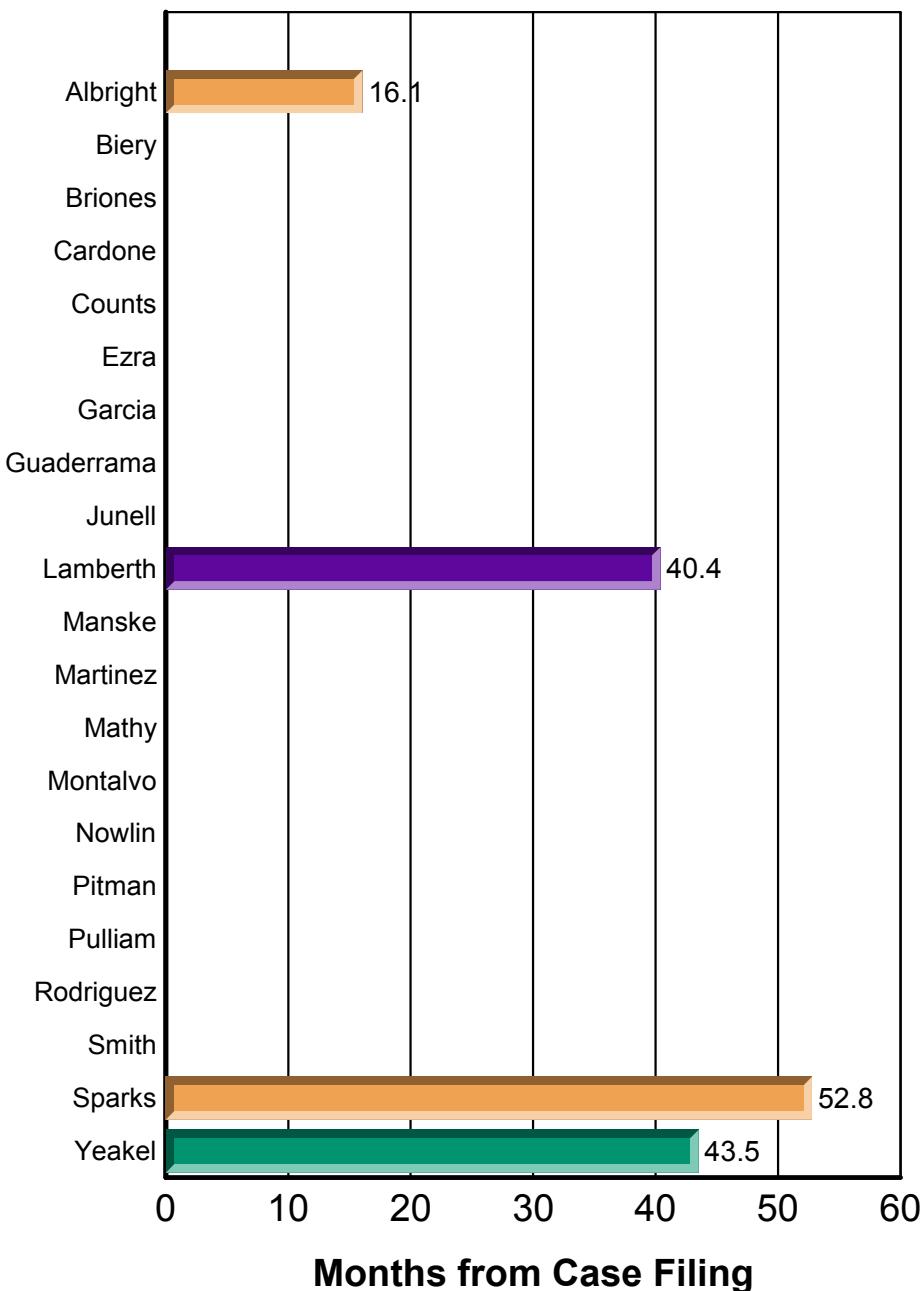
The average time from case filing to termination for all closed cases by year, for all cases terminated by judgment, for all cases terminated by contested judgment, and for all cases terminated by trial covered by this report are shown below.



Time to Contested Judgment: By Judge

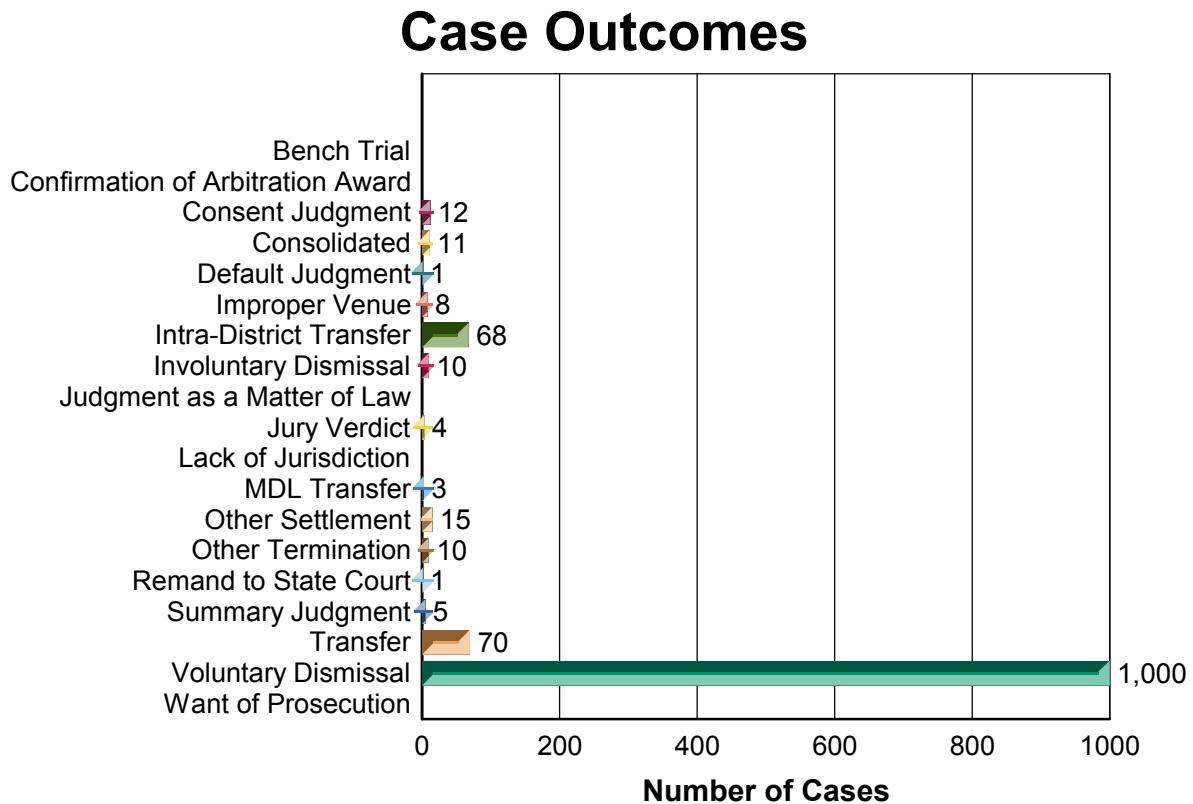
The average time from case filing to contested judgment for the active judges in this district is shown in the chart below.

Average Time to Contested Judgment: By Judge

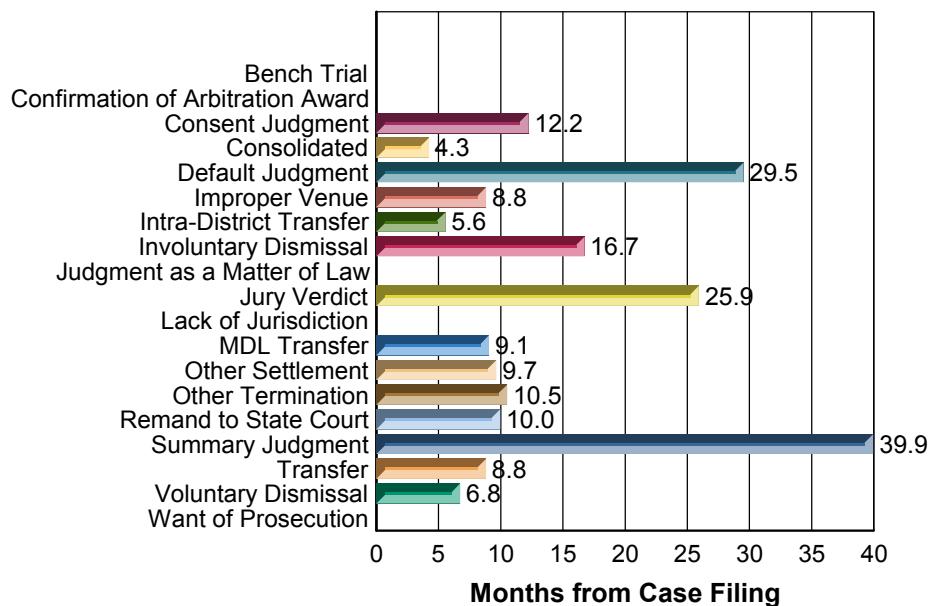


Average Time to Termination by Case Outcomes

The number of cases terminated by each outcome for the active judges in this district is shown in the chart below, and the average time to termination for each outcome is shown in the second chart below.



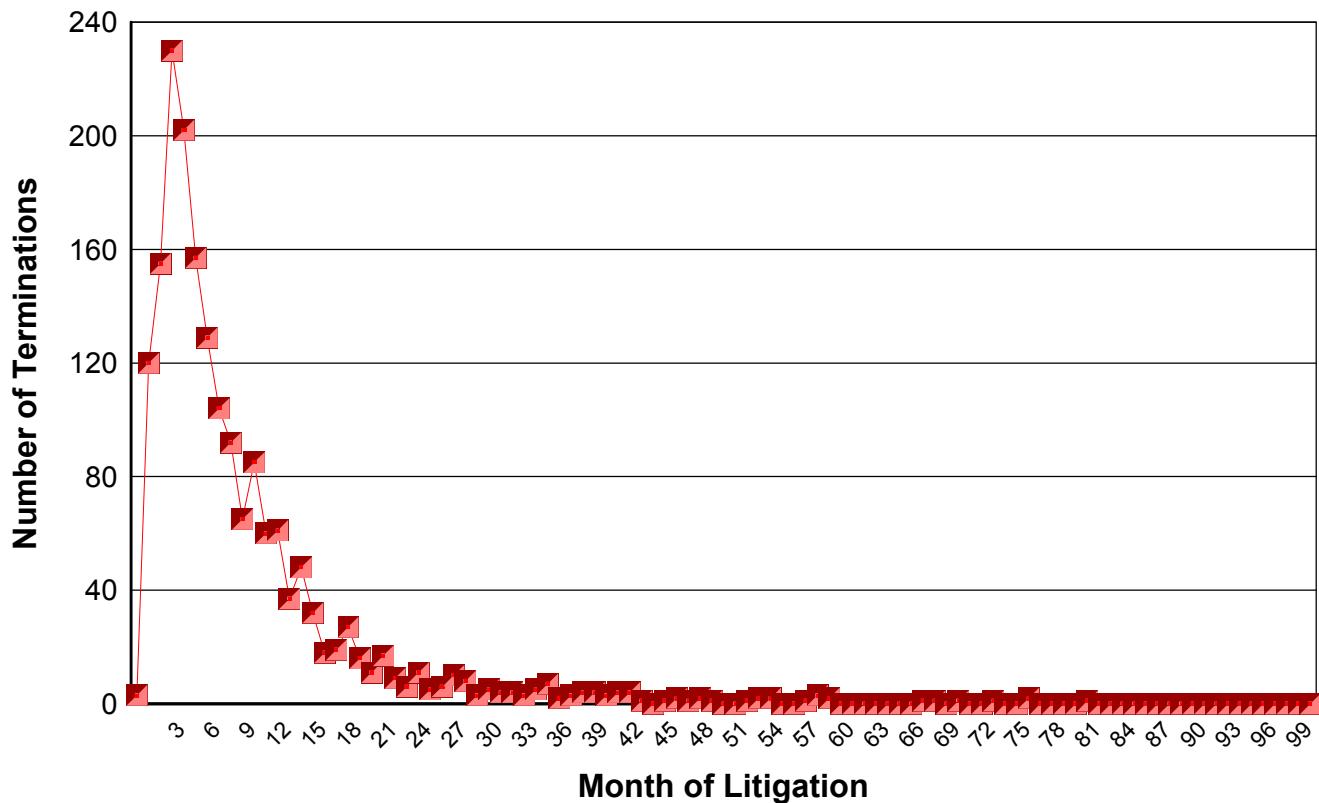
Average Time to Termination by Outcome



Termination by Month of Litigation

An overview of when terminations typically occur is found in the following chart, which shows the number of patent cases in the Texas Western District Court that were terminated each month of litigation. The first month of litigation is labeled "1", etc. Months with no case terminations are omitted from the chart.

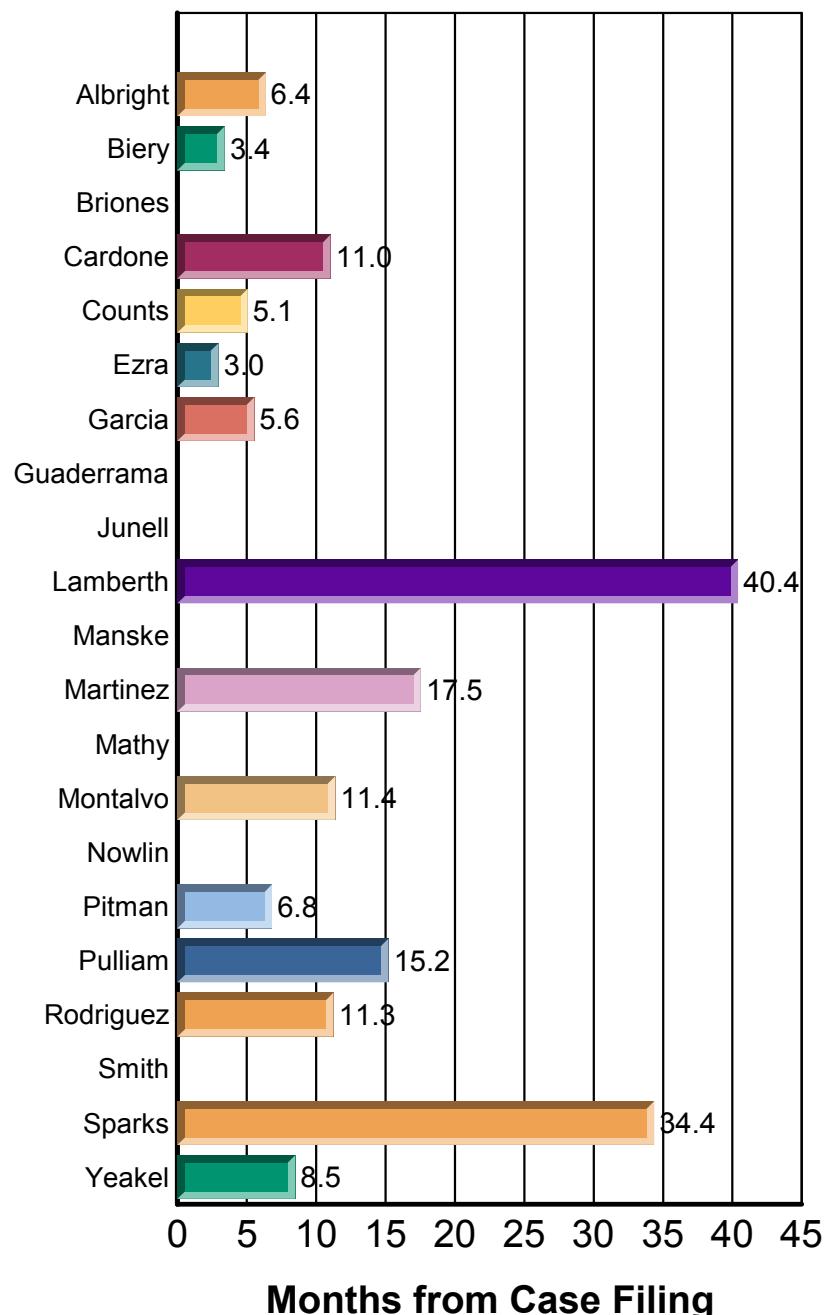
Closed Cases Each Month



Average Pendency for All Cases: By Judge

The variation in pendency for all closed cases is shown below.

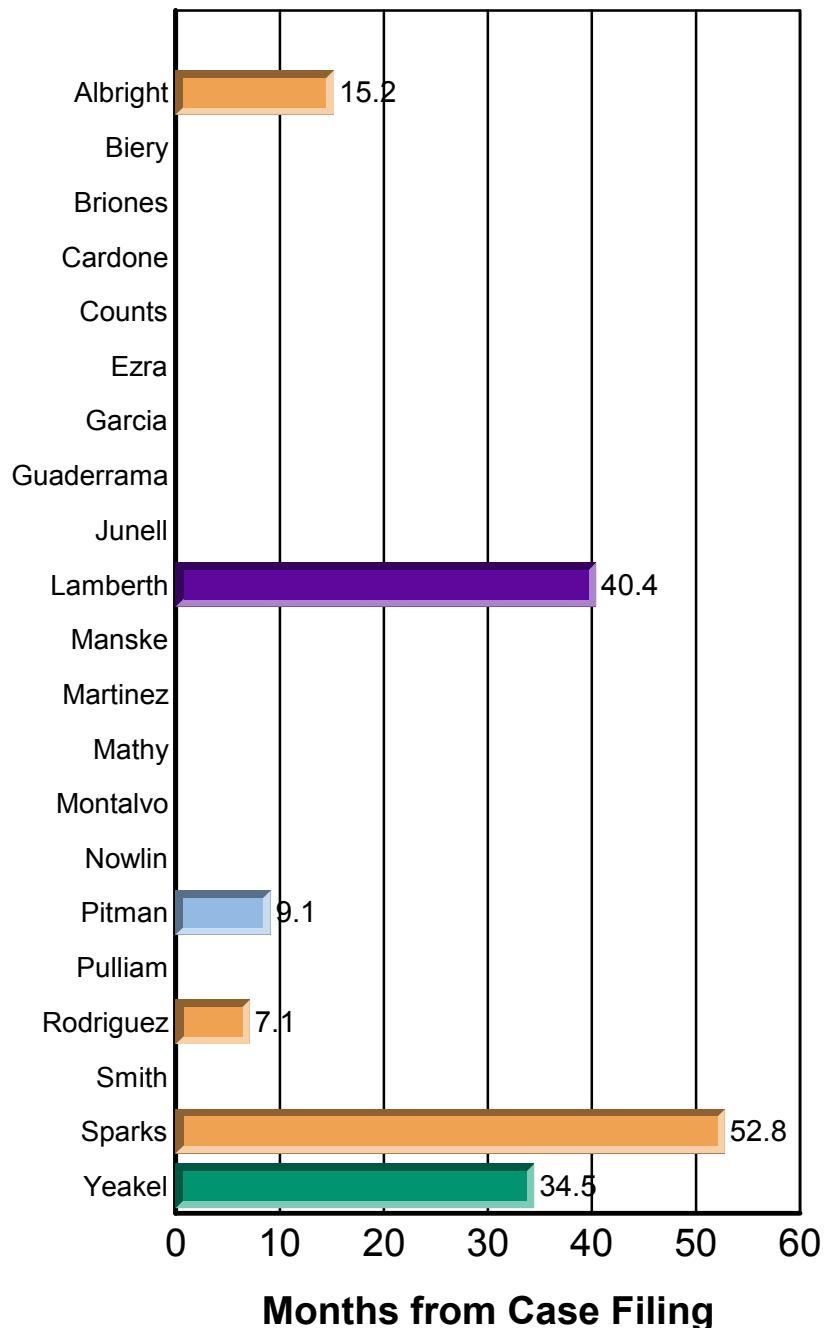
Average Time to Termination for All Cases



Average Pendency for Cases Terminated by Judgment: By Judge

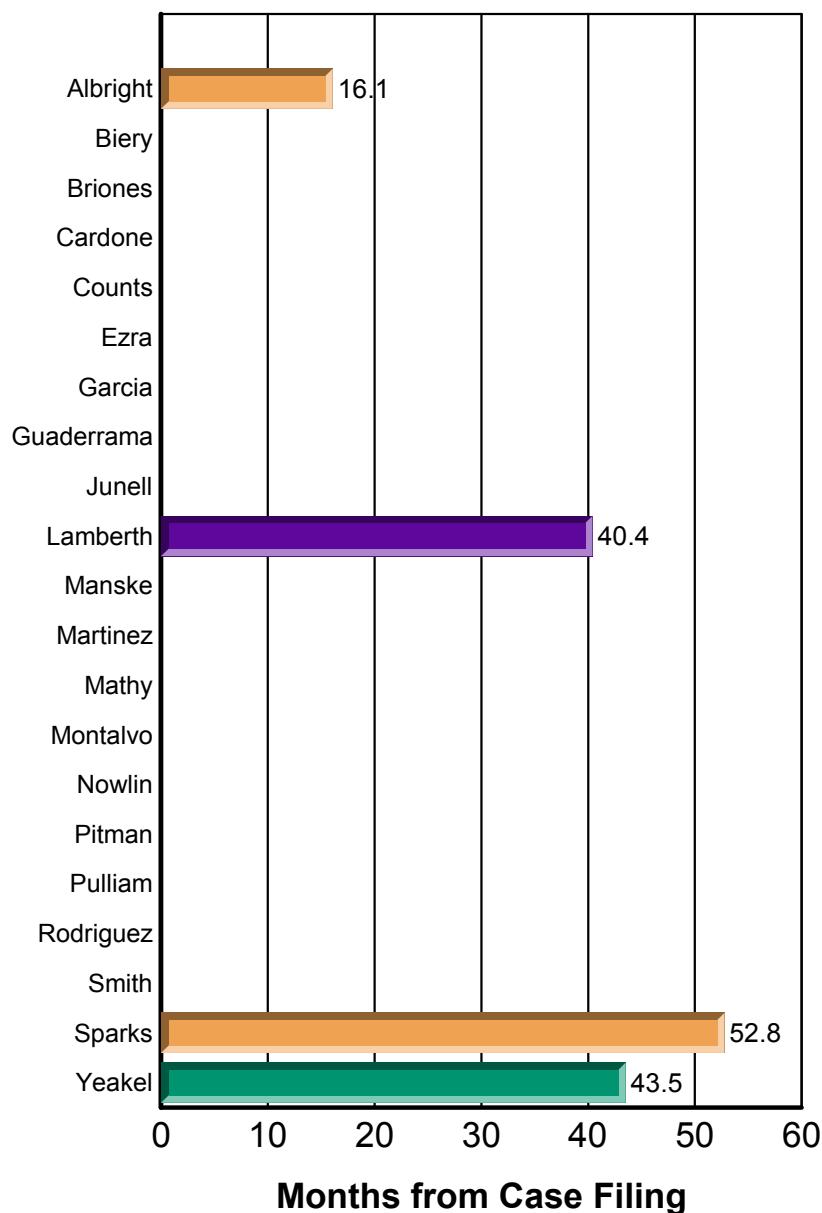
The variation in pendency for all cases terminated by judgment is shown below.

Average Time to Termination by Judgment



Average Pendency for Cases Terminated by Contested Judgment: By Judge
 The variation in pendency for all cases terminated by contested judgment is shown below.

**Average Time to Termination
 by Contested Judgment**



Case and Judgment Outcomes

The number of outcomes by judgment, the patentee win rate for those outcomes, and the average time to termination for those outcomes for this court are shown below, broken out by type of outcome.

| | Number of Judgments | Pat. Win Rate | Average Time to Termination |
|------------------------------|---------------------|---------------|-----------------------------|
| Total | 34 | 26.5 | 21.5 |
| Consent Judgment | 12 | 58.3 | 12.2 |
| Default Judgment | 1 | 100.0 | 29.5 |
| Involuntary Dismissal | 10 | 0.0 | 16.7 |
| Jury Verdict | 4 | 25.0 | 25.9 |
| Other Termination | 2 | 0.0 | 41.7 |
| Summary Judgment | 5 | 0.0 | 39.9 |

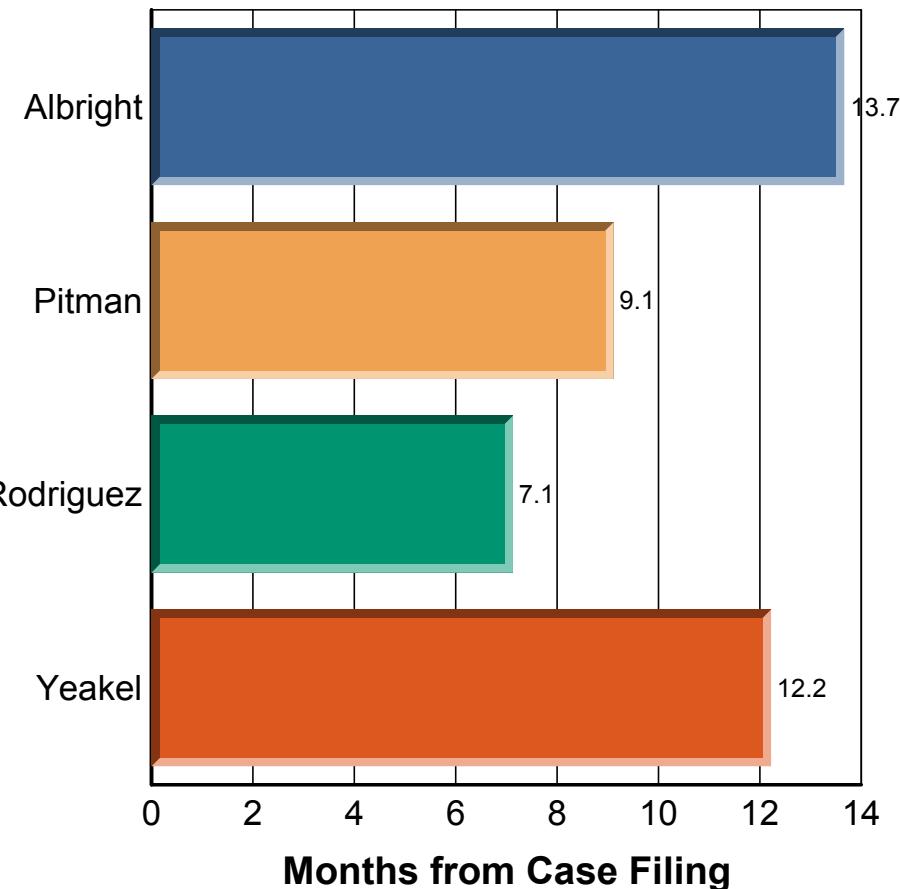
Detailed information about these cases, broken out by type of outcome, is shown in the following sections.

Consent Judgment

The number of Consent Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

Average Time to Termination

For Consent Judgment

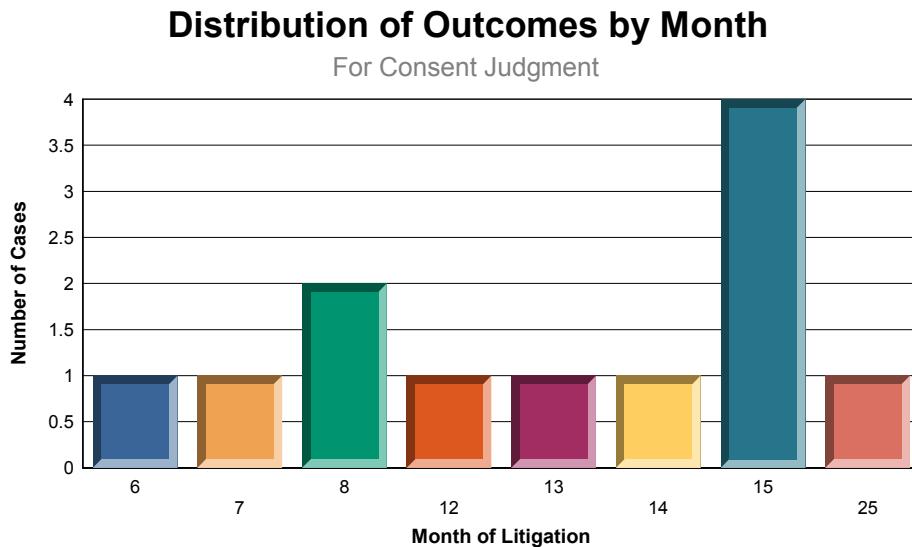


Consent Judgment

| | Average Time to Termination | Number of Cases |
|------------------|------------------------------------|------------------------|
| District | 12.2 | 12 |
| Albright | 13.7 | 8 |
| Pitman | 9.1 | 2 |
| Rodriguez | 7.1 | 1 |
| Yeakel | 12.2 | 1 |

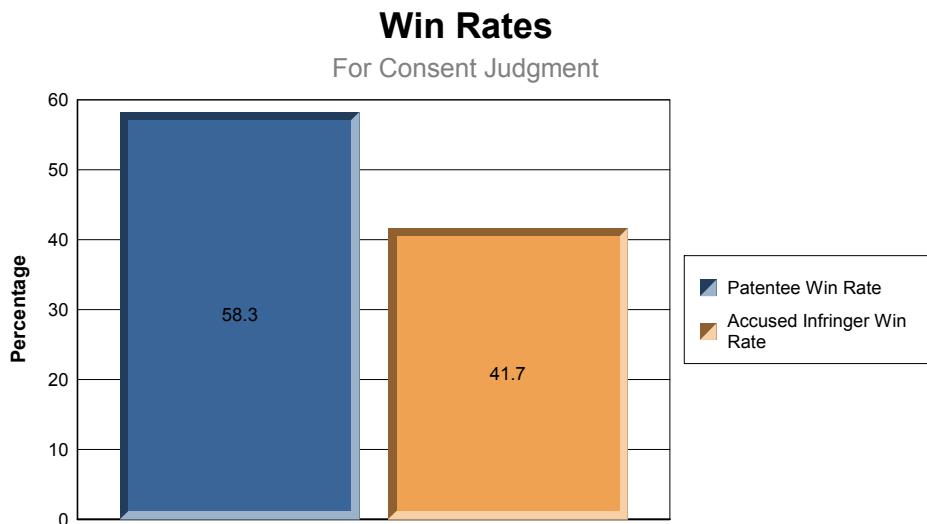
Consent Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Consent Judgment

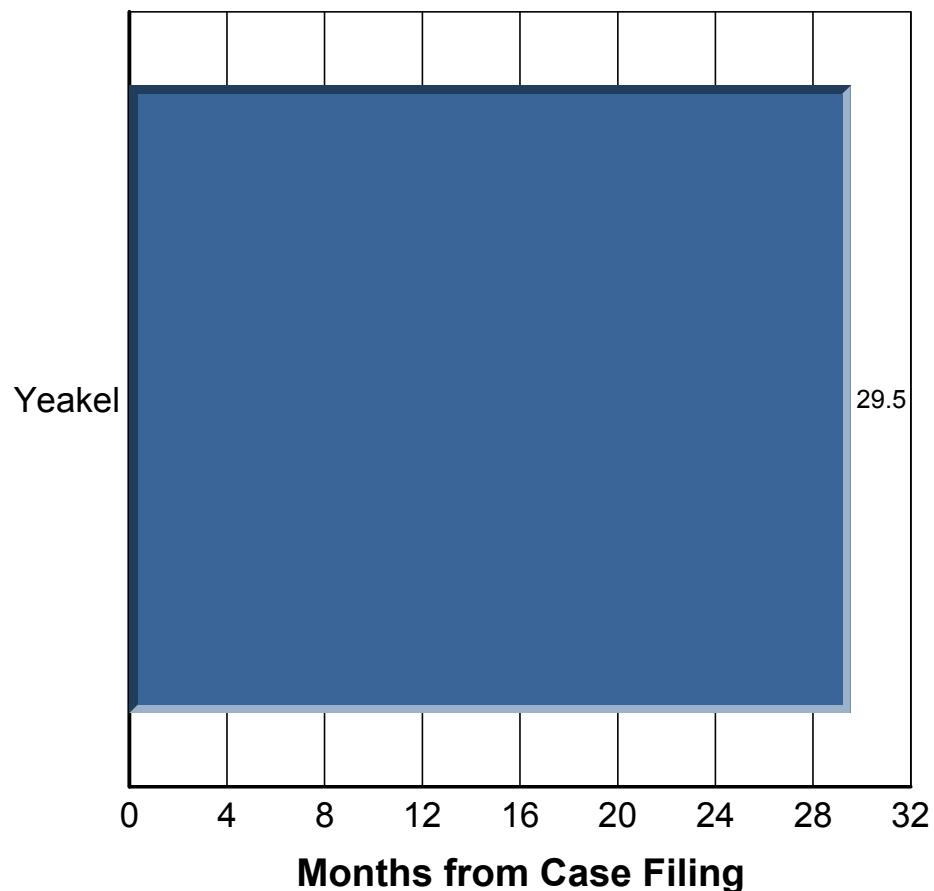
The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



Default Judgment

The number of Default Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

Average Time to Termination For Default Judgment

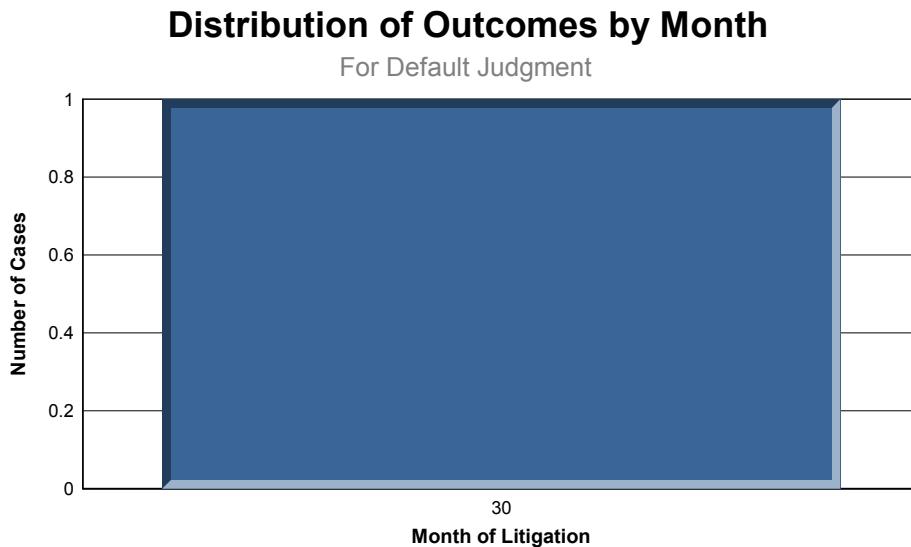


Default Judgment

| | Average Time to Termination | Number of Cases |
|-----------------|------------------------------------|------------------------|
| District | 29.5 | 1 |
| Yeakel | 29.5 | 1 |

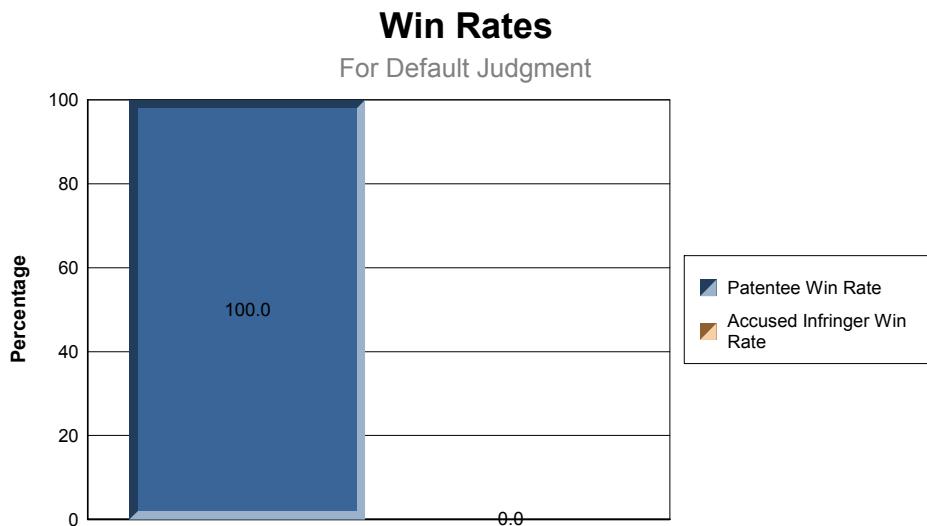
Default Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



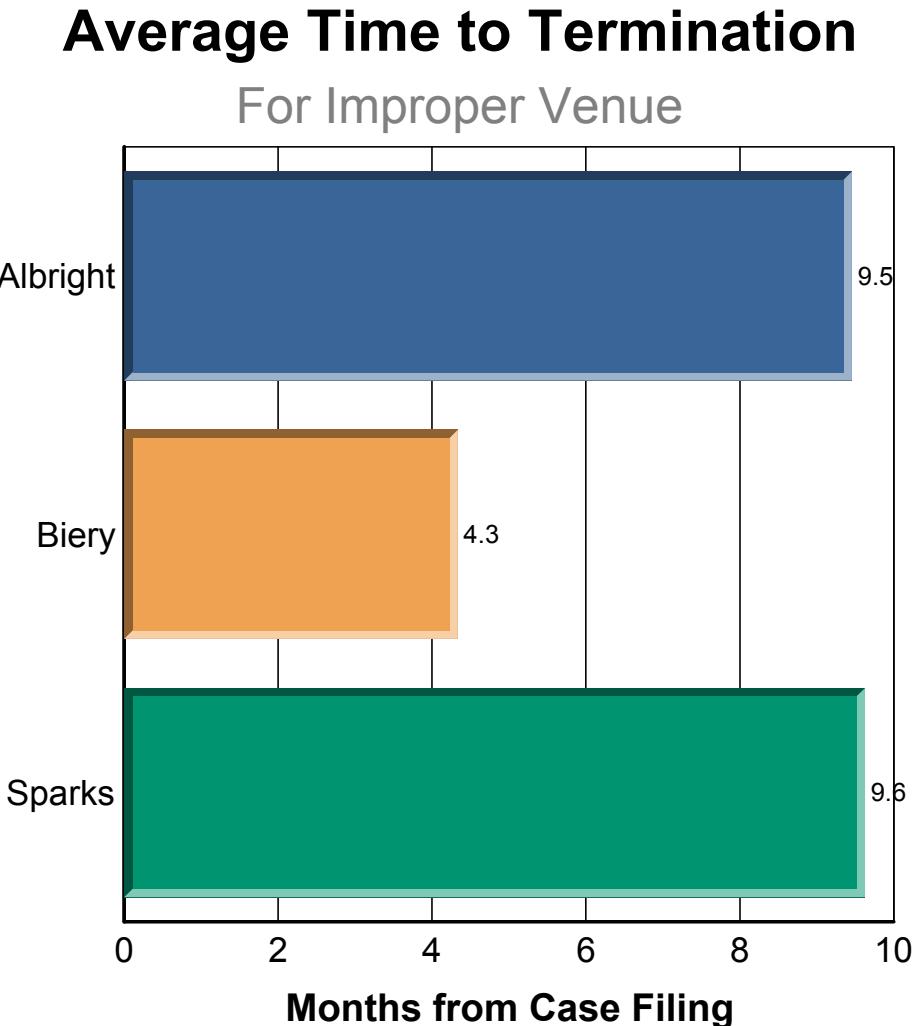
Default Judgment

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



Improper Venue

The number of Improper Venue outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

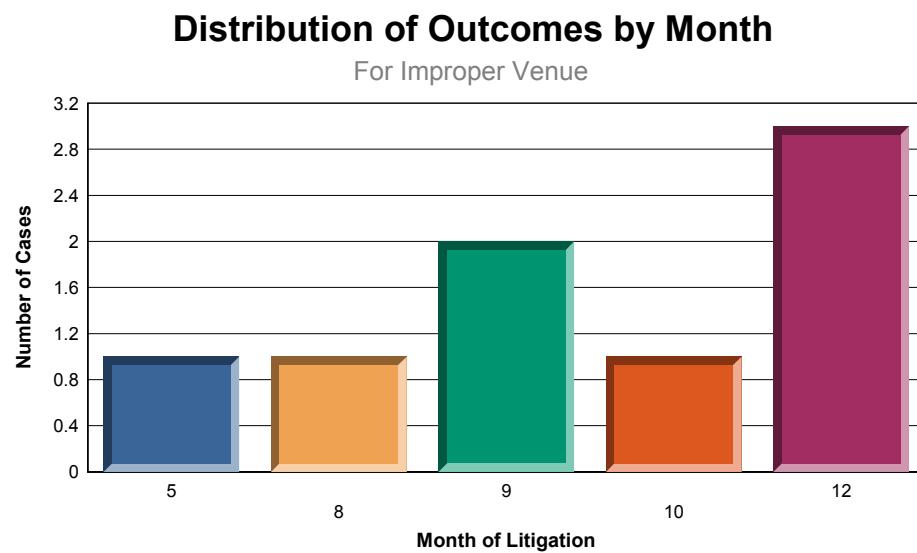


Improper Venue

| | Average Time to Termination | Number of Cases |
|-----------------|------------------------------------|------------------------|
| District | 8.8 | 8 |
| Albright | 9.5 | 6 |
| Biery | 4.3 | 1 |
| Sparks | 9.6 | 1 |

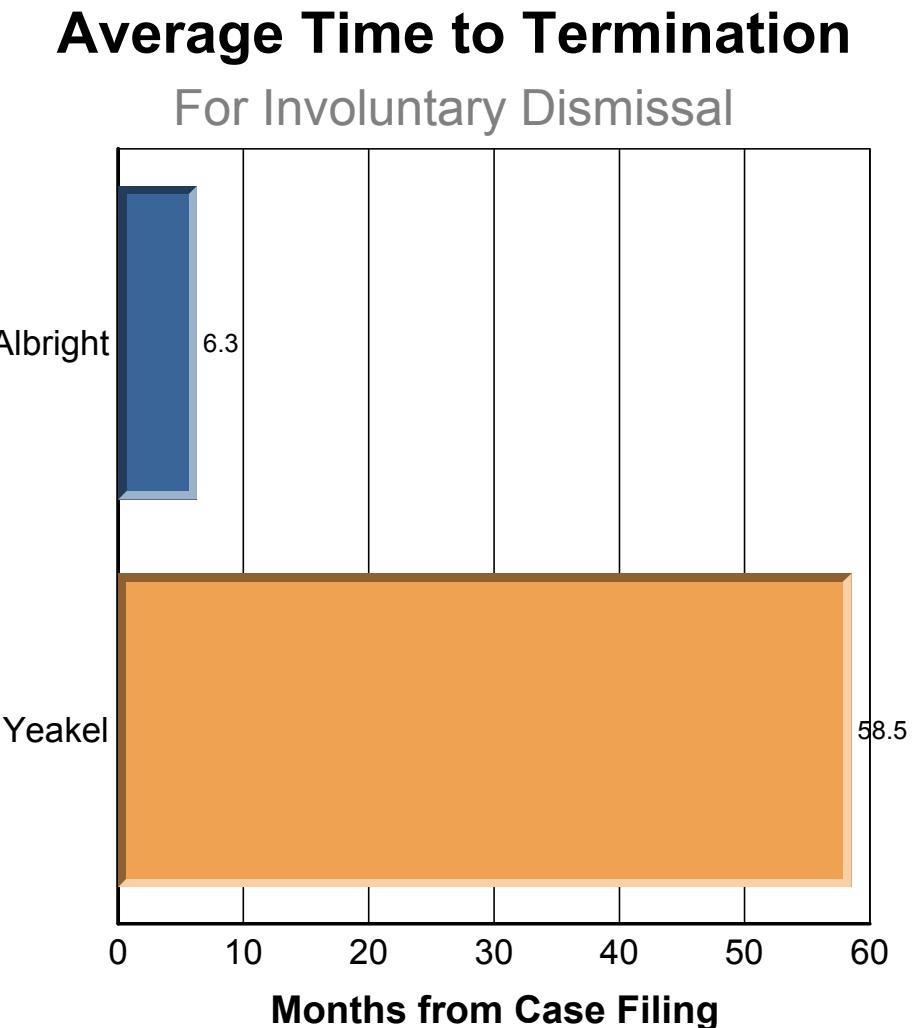
Improper Venue

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Involuntary Dismissal

The number of Involuntary Dismissal outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

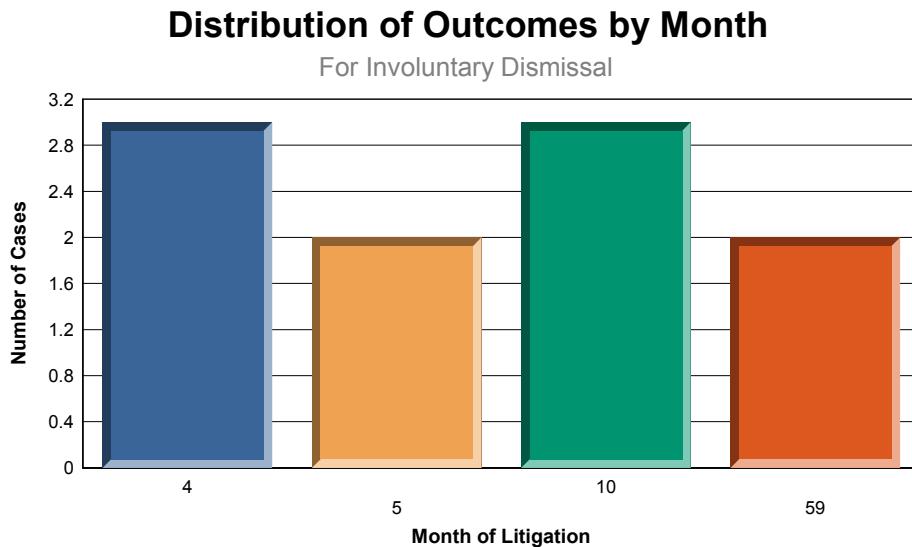


Involuntary Dismissal

| | Average Time to Termination | Number of Cases |
|-----------------|------------------------------------|------------------------|
| District | 16.7 | 10 |
| Albright | 6.3 | 8 |
| Yeakel | 58.5 | 2 |

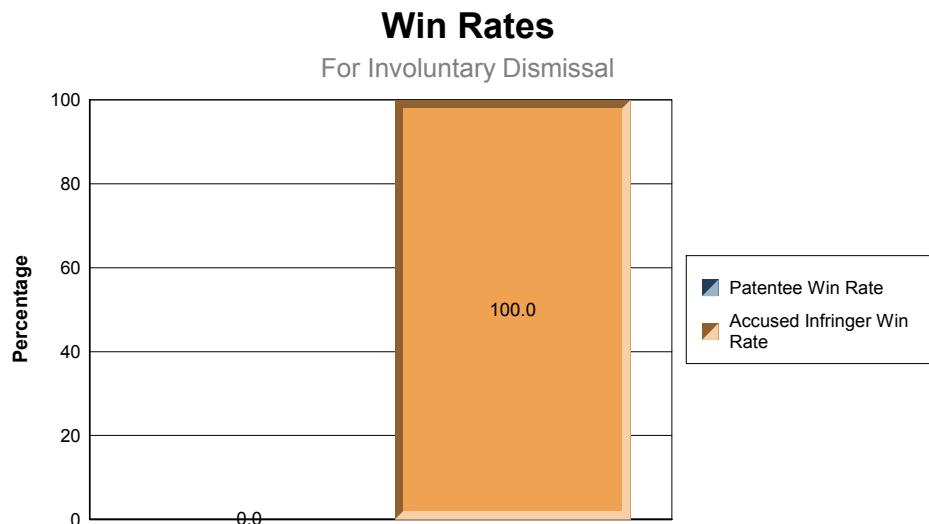
Involuntary Dismissal

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Involuntary Dismissal

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



Involuntary Dismissal

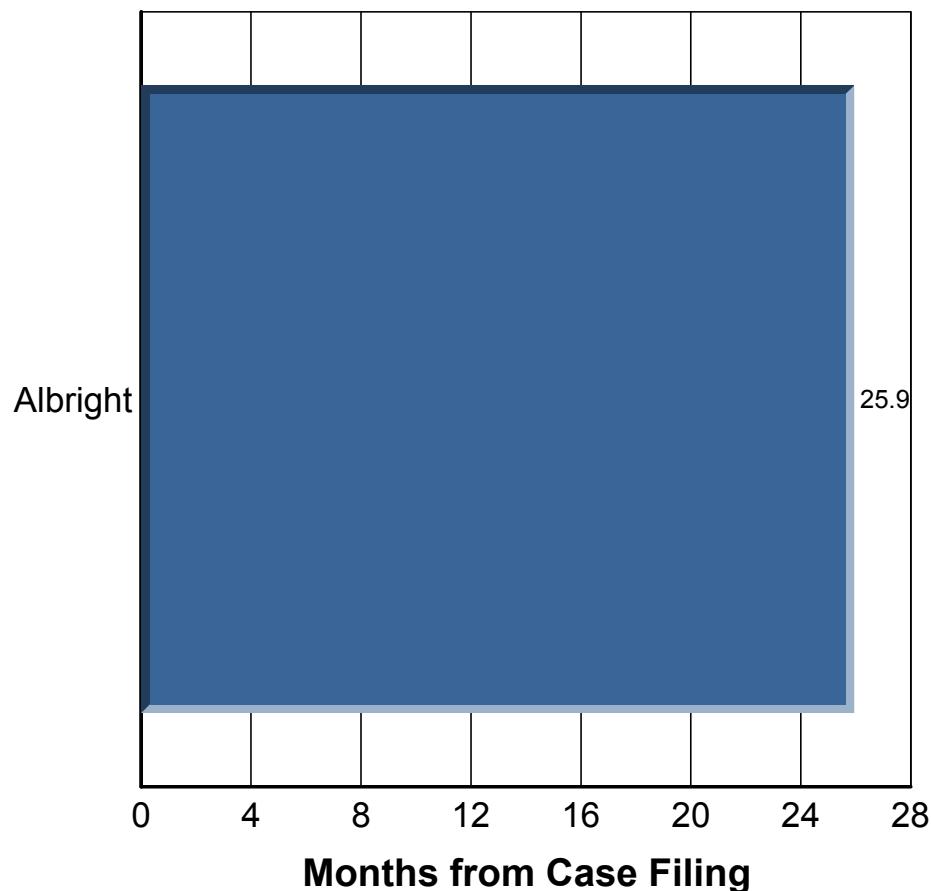
| <u>Case Number</u> | <u>Judge</u> | <u>Prevailing Party</u> | <u>Pendency</u> | <u>Case Name</u> |
|--------------------|--------------|-------------------------|-----------------|--|
| 6:19cv00612 | Albright | Accused Infringer | 3.9 | De La Vega v. Microsoft Corporation |
| 6:19cv00617 | Albright | Accused Infringer | 3.9 | De La Vega v. Google LLC |
| 6:19cv00171 | Albright | Accused Infringer | 3.9 | Arunachalam v. Exxon Mobil Corporation et al |
| 6:19cv00172 | Albright | Accused Infringer | 4.6 | Arunachalam v. Intuit, Inc. |
| 6:19cv00565 | Albright | Accused Infringer | 4.8 | Wilco Marsh Buggies & Draglines, Inc. v. EIK Engineering Sdn. Bhd. |
| 6:19cv00608 | Albright | Accused Infringer | 9.7 | Lighthouse Consulting Group, LLC v. BOK Financial |
| 6:19cv00605 | Albright | Accused Infringer | 9.8 | Lighthouse Consulting Group, LLC v. TIAA, FBS Holdings, Inc. |
| 6:19cv00594 | Albright | Accused Infringer | 9.8 | Lighthouse Consulting Group, LLC v. BB&T Corporation |
| 1:14cv00810 | Yeakel | Accused Infringer | 58.5 | Via Vadis, LLC et al v. Blizzard Entertainment, Inc. |
| 1:14cv00813 | Yeakel | Accused Infringer | 58.5 | Via Vadis, LLC et al v. Amazon.Com, Inc. |

Jury Verdict

The number of Jury Verdict outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

Average Time to Termination

For Jury Verdict

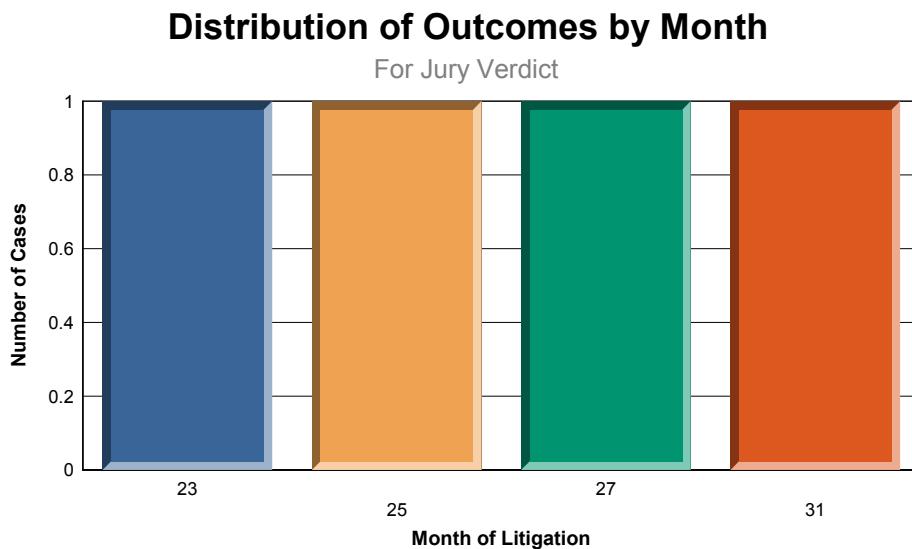


Jury Verdict

| | Average Time to Termination | Number of Cases |
|-----------------|------------------------------------|------------------------|
| District | 25.9 | 4 |
| Albright | 25.9 | 4 |

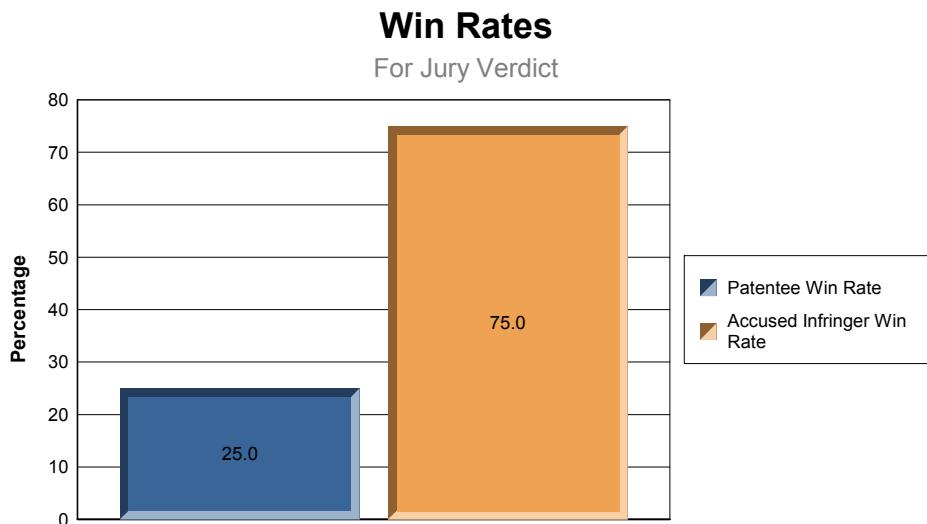
Jury Verdict

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Jury Verdict

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



Jury Verdict

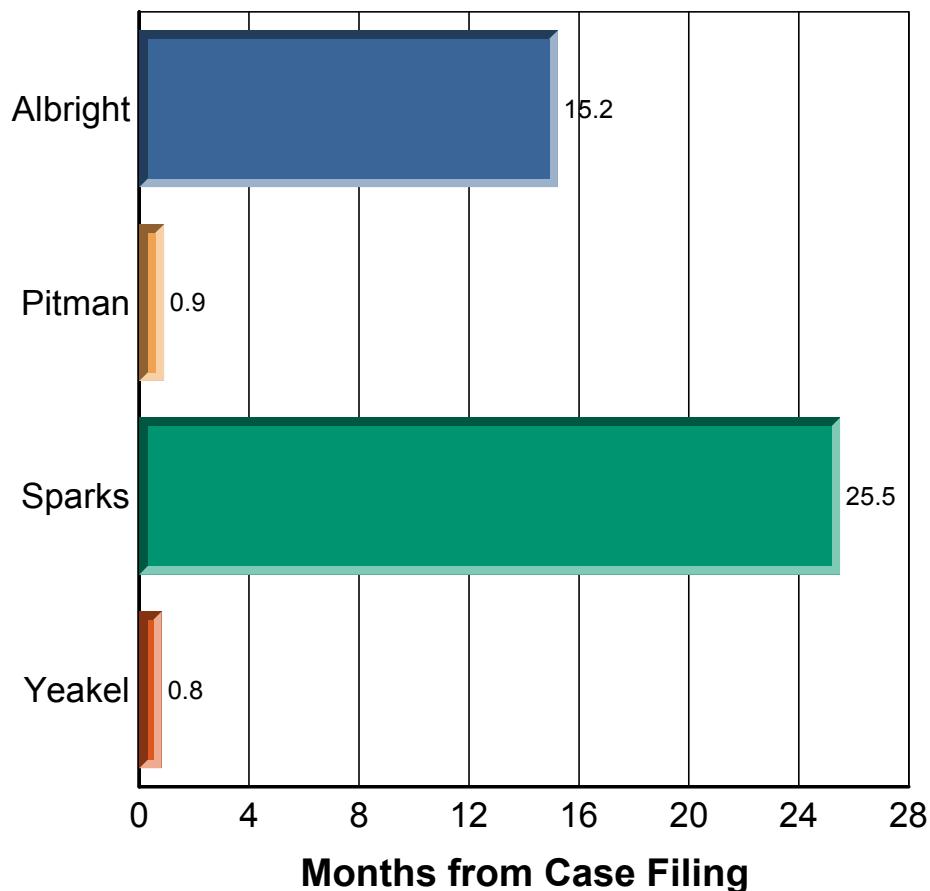
| <u>Case Number</u> | <u>Judge</u> | <u>Prevailing Party</u> | <u>Pendency</u> | <u>Case Name</u> |
|--------------------|--------------|-------------------------|-----------------|--|
| 6:19cv00513 | Albright | Patentee | 22.4 | CloudofChange, LLC v. NCR Corporation |
| 6:21cv00511 | Albright | Accused Infringer | 24.6 | Freshub, Inc. et al v. Amazon.Com Inc. et al |
| 6:18cv00308 | Albright | Accused Infringer | 26.2 | MV3 Partners LLC v. Roku, Inc. |
| 6:19cv00044 | Albright | Accused Infringer | 30.5 | ESW Holdings, Inc. v. Roku, Inc. |

Other Termination

The number of Other Termination outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

Average Time to Termination

For Other Termination

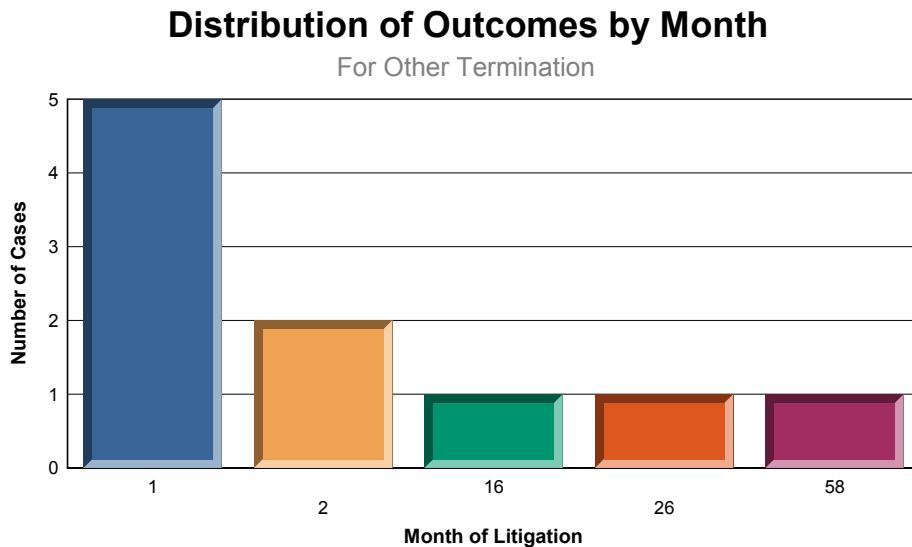


Other Termination

| | Average Time to Termination | Number of Cases |
|-----------------|------------------------------------|------------------------|
| District | 10.5 | 10 |
| Albright | 15.2 | 5 |
| Pitman | 0.9 | 3 |
| Sparks | 25.5 | 1 |
| Yeakel | 0.8 | 1 |

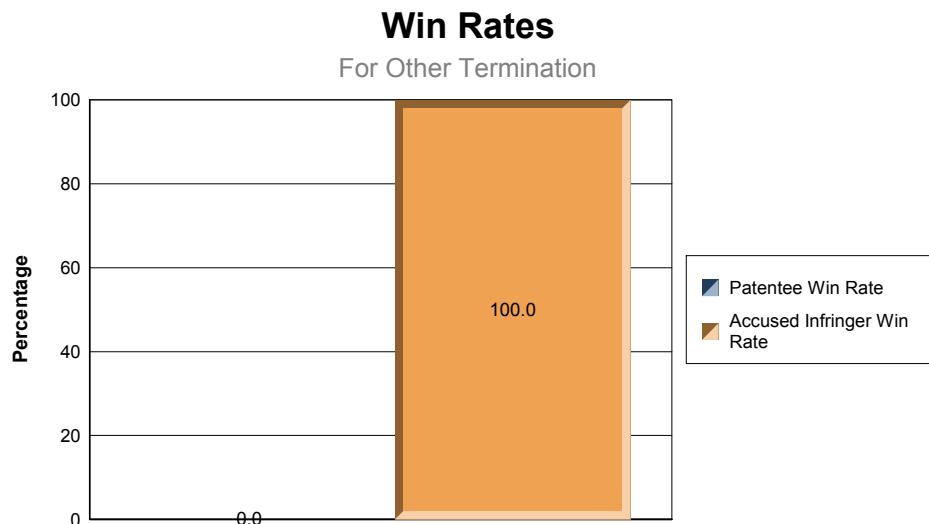
Other Termination

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Other Termination

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



Other Termination

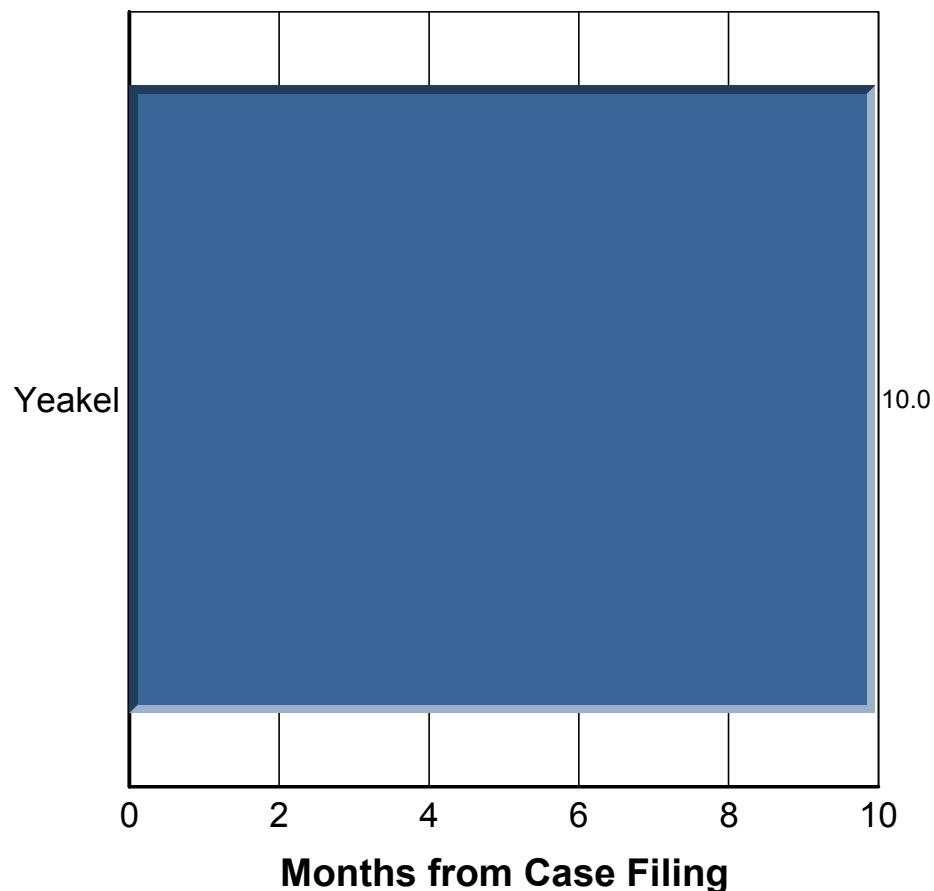
| <u>Case Number</u> | <u>Judge</u> | <u>Prevailing Party</u> | <u>Pendency</u> | <u>Case Name</u> |
|--------------------|--------------|-------------------------|-----------------|--|
| 1:14cv01089 | Sparks | Accused Infringer | 25.5 | Pono Paani, LLC v. Belkin International, Inc. |
| 7:15cv00097 | Albright | Accused Infringer | 57.9 | Finalrod IP, LLC et al v. John Crane, Inc. et al |

Remand to State Court

The number of Remand to State Court outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

Average Time to Termination

For Remand to State Court

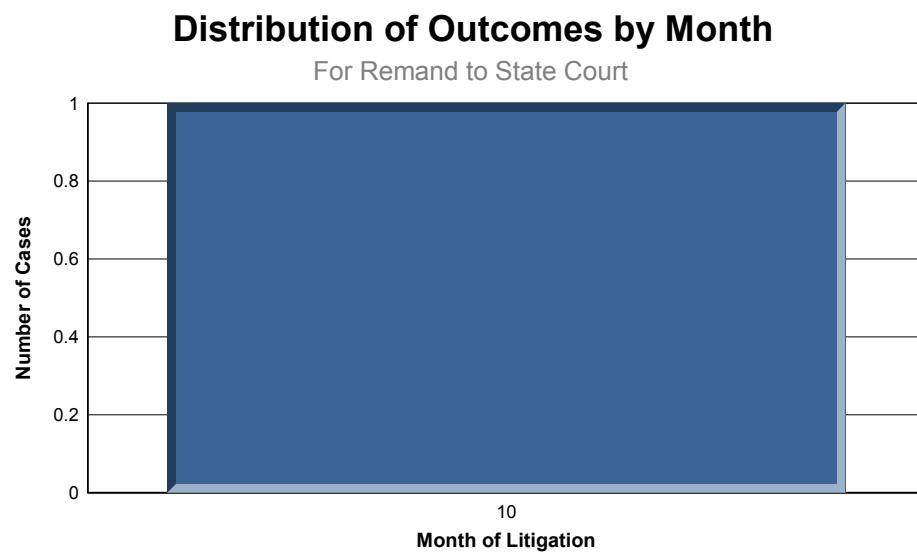


Remand to State Court

| | Average Time to Termination | Number of Cases |
|-----------------|------------------------------------|------------------------|
| District | 10.0 | 1 |
| Yeakel | 10.0 | 1 |

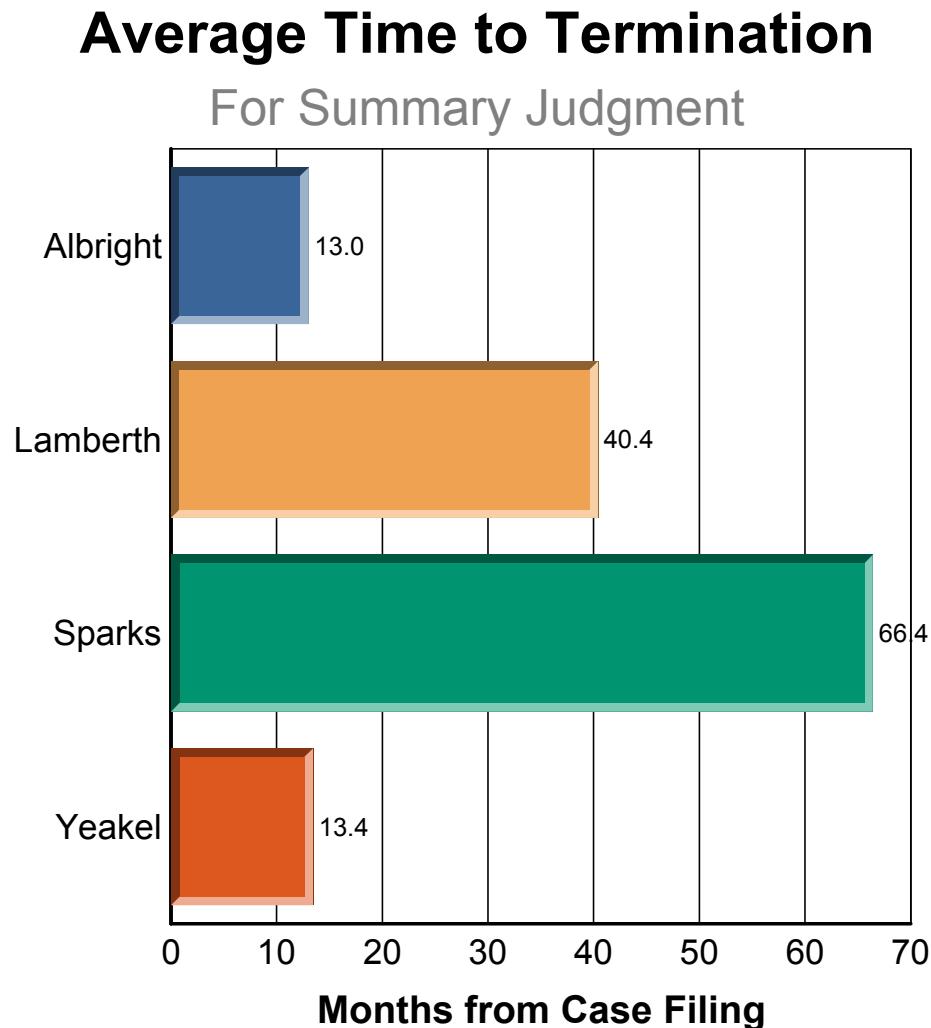
Remand to State Court

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Summary Judgment

The number of Summary Judgment outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

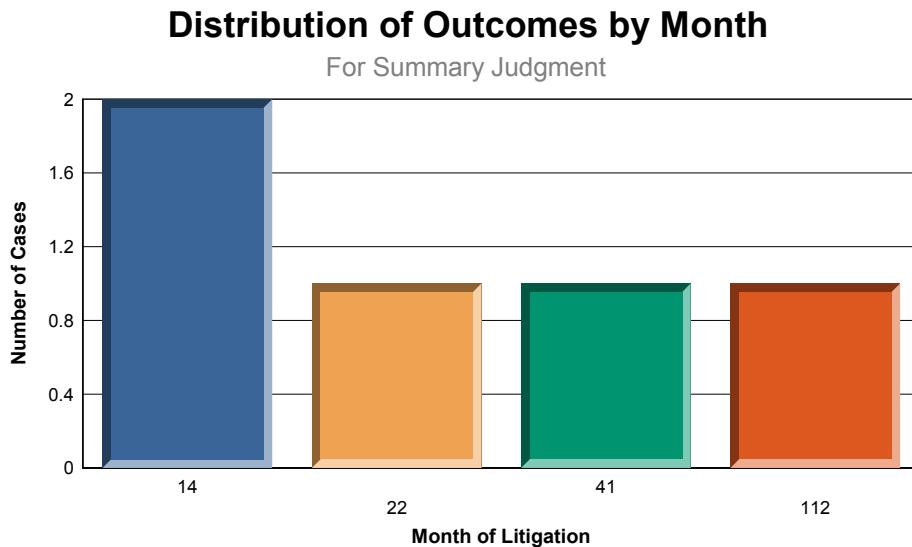


Summary Judgment

| | Average Time to Termination | Number of Cases |
|-----------------|------------------------------------|------------------------|
| District | 39.9 | 5 |
| Albright | 13.0 | 1 |
| Lamberth | 40.4 | 1 |
| Sparks | 66.4 | 2 |
| Yeakel | 13.4 | 1 |

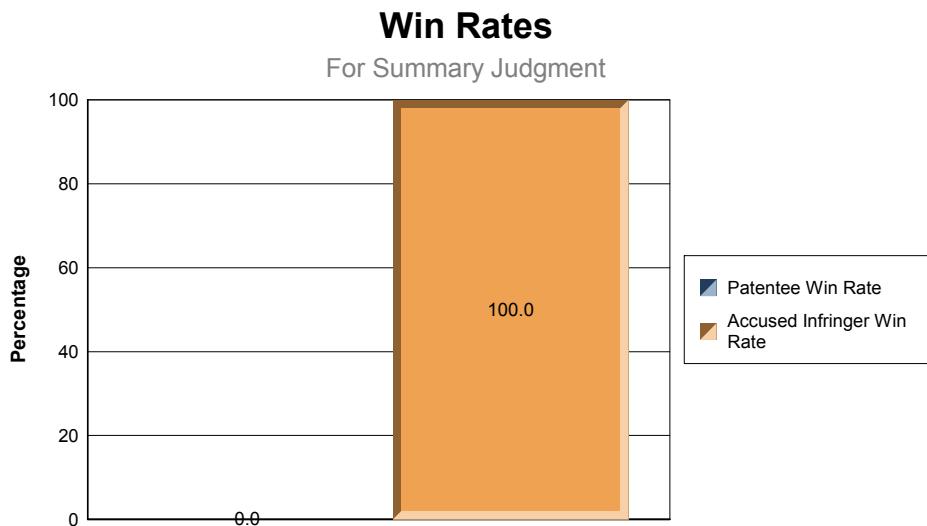
Summary Judgment

The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Summary Judgment

The patentee and accused infringer win rates for cases with this outcome are shown below for the judges and the district as a whole.



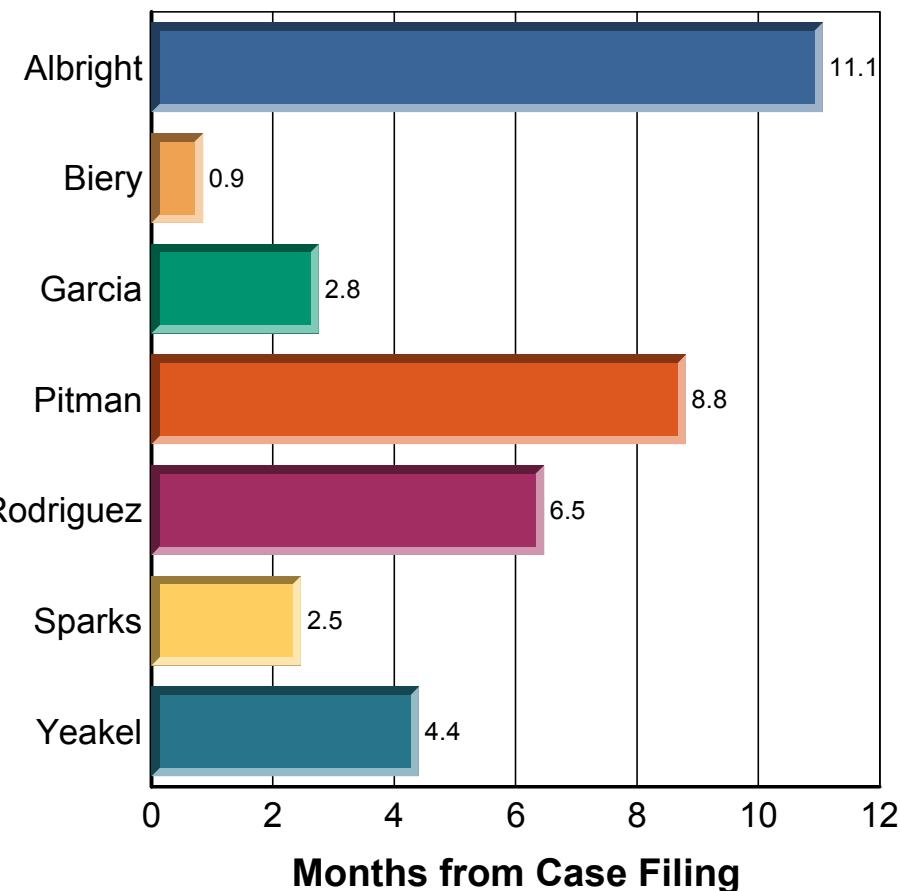
Summary Judgment

| <u>Case Number</u> | <u>Judge</u> | <u>Prevailing Party</u> | <u>Pendency</u> | <u>Case Name</u> |
|--------------------|--------------|-------------------------|-----------------|---|
| 1:19cv01107 | Albright | Accused Infringer | 13.0 | Flash-Control, LLC v. Intel Corporation |
| 1:17cv00753 | Yeakel | Accused Infringer | 13.4 | Uniloc USA, Inc. et al v. Blackboard, Inc. |
| 1:16cv00687 | Sparks | Accused Infringer | 21.7 | Pilot Energy Solutions, L.L.C. v. Oxy USA Inc. |
| 5:14cv00719 | Lamberth | Accused Infringer | 40.4 | MiMedx Group, Inc. v. Tissue Transplant Technology, Ltd., et al |
| 1:12cv00465 | Sparks | Accused Infringer | 111.1 | Click-to-Call Technologies v. Ingenio, Inc. et al. |

Transfer

The number of Transfer outcomes and the average time to termination by that outcome are shown below for the district and for each judge who has at least one such outcome.

Average Time to Termination For Transfer

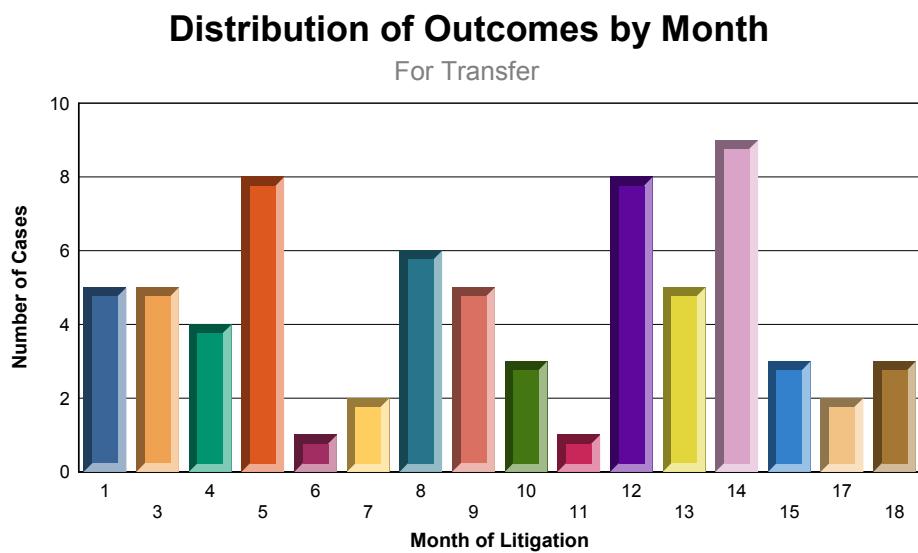


Transfer

| | Average Time to Termination | Number of Cases |
|-----------|-----------------------------|-----------------|
| District | 8.8 | 70 |
| Albright | 11.1 | 40 |
| Biery | 0.9 | 1 |
| Garcia | 2.8 | 1 |
| Pitman | 8.8 | 11 |
| Rodriguez | 6.5 | 1 |
| Sparks | 2.5 | 1 |
| Yeakel | 4.4 | 15 |

Transfer

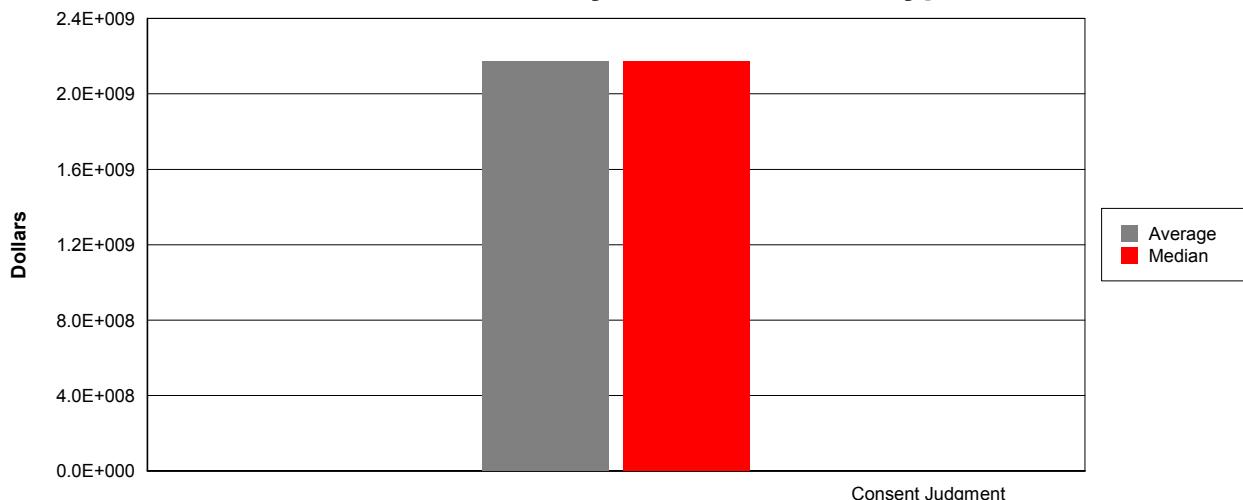
The distribution of these outcomes by month of litigation is shown below. Months with no outcomes are omitted from the chart.



Awards and Settlement Amounts - What Will it Cost: The damages portion of litigation expense is heavily fact dependent, but there are norms one can use to ensure the reasonableness of predicted damage awards and total cost in a particular case. The chart and table below show the average and median amounts for the selected court. Award amounts not entered into the records of the federal courts or otherwise not brought to the attention of LegalMetric are not included in this report.

Studies have shown that attorney fees and related expenses can run from 33% to 100% of the damage awards. The total cost for various outcomes can be estimated by multiplying the average or median awards by 1.33 (for a low figure) or 2.0 (for a high figure). These total cost estimates are shown in the table below.

Award Amounts by Case Outcome Type

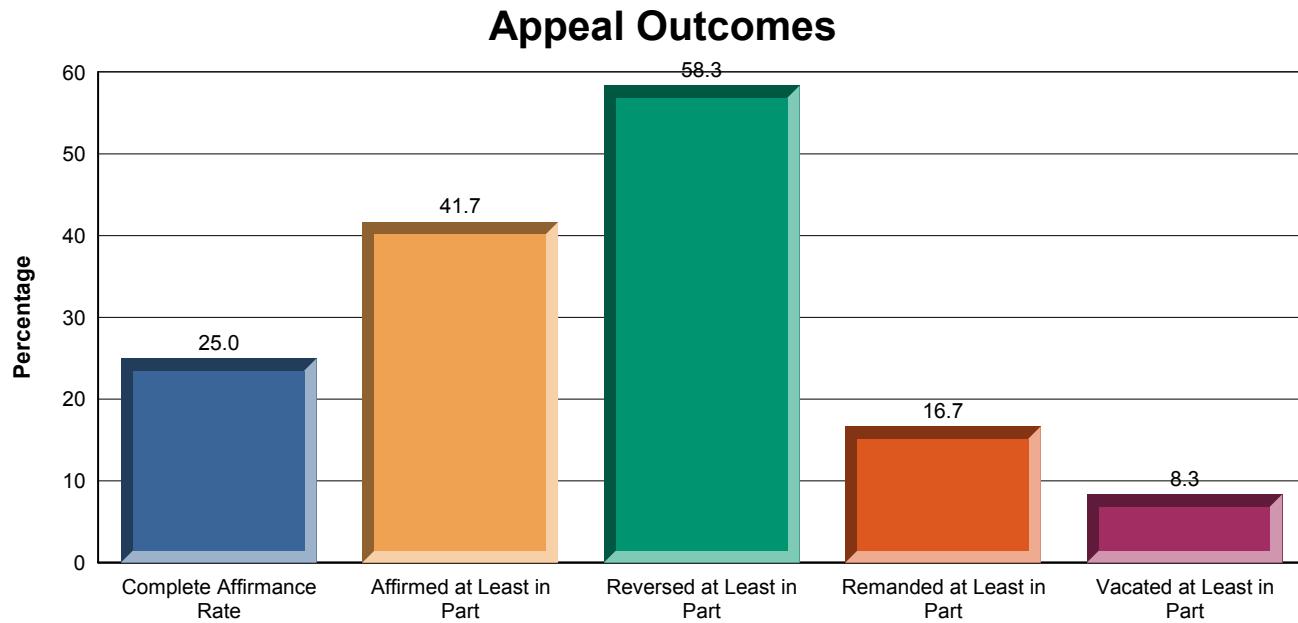


| | Average Awards | Total Cost - Low | Total Cost - High | Average | Median Awards | Total Cost - Low Median | Total Cost - High Median |
|-------------------------|-------------------|---------------------|----------------------|---------------|------------------|----------------------------|-----------------------------|
| Total | 1,087,600,000 | 1,446,508,000 | 2,175,200,000 | 1,087,600,000 | 1,446,508,000 | 2,175,200,000 | 2,175,200,000 |
| | 2,175,000,000 | 2,892,750,000 | 4,350,000,000 | 2,175,000,000 | 2,892,750,000 | 4,350,000,000 | 4,350,000,000 |
| Consent Judgment | 200,000 | 266,000 | 400,000 | 200,000 | 266,000 | 400,000 | 400,000 |

| Case Number | Case Name | Date of Award or Settlement | Judge | Case Outcomes | Award Amounts |
|-------------|---|--------------------------------|----------|------------------|---------------|
| 6:21cv00057 | VLSI Technology LLC v. Intel Corporation | 1/5/2021 | Albright | | 2,175,000,000 |
| 6:19cv00653 | Northern Agri Brand LLC v. Cen-Tex Seed, Inc. et al | 1/5/2021 | Albright | Consent Judgment | 200,000 |

Appeals

The number of rulings on appeal in these cases and the rulings themselves are found in the table below. The Complete Affirmance Rate (the number of appeals which were affirmed with no other ruling, divided by the total number of appeals decision-not counting dismissed and pending appeals), the percentage of appeal rulings which affirmed the lower court at least in part, the percentage which reversed this court at least in part, the percentage which remanded this court at least in part, and the percentage which vacated this court at least in part are shown in the chart immediately below.



| | Total |
|------------------------------------|--------------|
| Affirmed | 3 |
| Affirmed, Reversed | 1 |
| Affirmed, Vacated, Remanded | 1 |
| Dismissed | 9 |
| Pending | 10 |
| Remanded | 1 |
| Reversed | 6 |

| <u>Case Name</u> | <u>Case Number</u> | <u>Judge</u> | <u>Result of Appeal</u> |
|---|--------------------|--------------|-----------------------------|
| Board of Regents, The University of Texas System et al v. Boston Scientific Corporation | 1:17cv01103 | Yeakel | Affirmed |
| Flash-Control, LLC v. Intel Corporation | 1:19cv01107 | Albright | Affirmed |
| Jenam Tech, LLC v. Google LLC | 6:20cv00453 | Albright | Affirmed |
| Via Vadis, LLC et al v. Blizzard Entertainment, Inc. | 1:14cv00810 | Yeakel | Affirmed, Reversed |
| M-I LLC v. FPUSA, LLC | 5:15cv00406 | Ezra | Affirmed, Vacated, Remanded |
| Amazon.Com, Inc. v. Corydoras Technologies, LLC | 1:19cv01095 | Pitman | Dismissed |
| Arunachalam v. Exxon Mobil Corporation et al | 6:19cv00171 | Albright | Dismissed |
| Arunachalam v. Intuit, Inc. | 6:19cv00172 | Albright | Dismissed |
| Arunachalam v. Beal Bank, SSB | 6:19cv00350 | Albright | Dismissed |
| Arunachalam v. Berry Aviation, Inc. | 6:19cv00351 | Albright | Dismissed |
| Arunachalam v. Apache Corporation | 6:19cv00352 | Albright | Dismissed |
| Cameron International Corporation v. Nitro Fluids L.L.C. | 6:20cv00125 | Albright | Dismissed |
| Performance Chemical Company vs. True Chemical Solutions, LLC | 6:21cv00222 | Albright | Dismissed |
| Super Interconnect Technologies LLC v. Google LLC | 6:21cv00259 | Albright | Dismissed |
| Click-to-Call Technologies v. Ingenio, Inc. et al. | 1:12cv00465 | Sparks | Pending |
| Via Vadis, LLC et al v. Amazon.Com, Inc. | 1:14cv00813 | Yeakel | Pending |
| Finalrod IP, LLC et al v. John Crane, Inc. et al | 7:15cv00097 | Albright | Pending |
| MV3 Partners LLC v. Roku, Inc. | 6:18cv00308 | Albright | Pending |
| Dyfan, LLC v. Target Corporation | 6:19cv00179 | Albright | Pending |
| Semiconductor Connections LLC v. Taiwan Semiconductor Manufacturing Company Limited et al | 6:20cv00109 | Albright | Pending |
| WSOU Investments LLC v. Google LLC | 6:20cv00578 | Albright | Pending |
| WSOU Investments LLC v. Google LLC | 6:20cv00581 | Albright | Pending |
| WSOU Investments LLC v. Google LLC | 6:20cv00582 | Albright | Pending |
| Freshub, Inc. et al v. Amazon.Com Inc. et al | 6:21cv00511 | Albright | Pending |

Uniloc USA, Inc. et al v. 1:17cv00753

Yeakel

Remanded

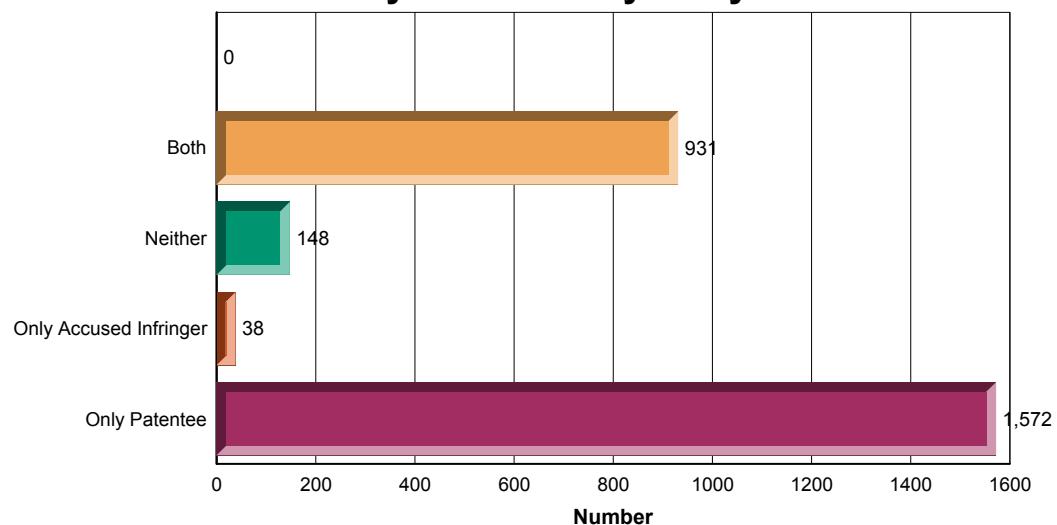
Blackboard, Inc.

| | | | |
|---|-------------|----------|----------|
| Synkloud Technologies, LLC v. Adobe, Inc. | 6:19cv00527 | Albright | Reversed |
| Sonos, Inc. v. Google LLC | 6:20cv00881 | Albright | Reversed |
| Ikorongo Texas LLC v. LG Electronics Inc. et al | 6:20cv00257 | Albright | Reversed |
| SITO Mobile R&D IP et al v. Hulu, LLC | 6:20cv00472 | Albright | Reversed |
| WSOU Investments LLC v. Juniper Networks, Inc. | 6:20cv00813 | Albright | Reversed |
| WSOU Investments LLC v. Juniper Networks, Inc. | 6:20cv00815 | Albright | Reversed |

Jury Demands

The number of jury demands by party type is shown below.

Jury Demands by Party



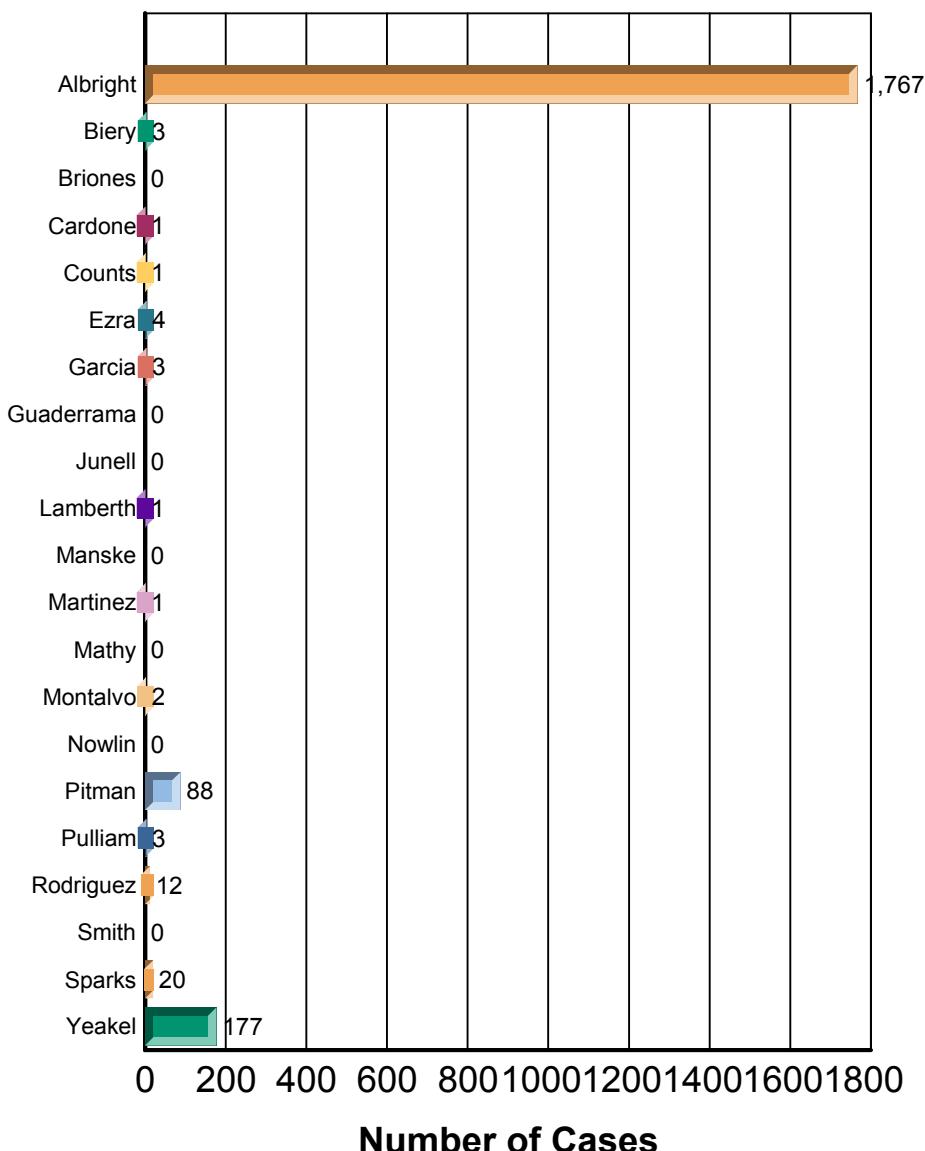
Experience

The active judges in the Alabama Northern District Court vary considerably in their exposure to patent cases in general and to significant motions in those cases.

Total Number of Patent Cases: By Judge

The total number of patent cases per judge is shown below, followed by a table listing the judge, total number of patent cases, total number of closed patent cases and total number of open patent cases.

Total Patent Cases: By Judge

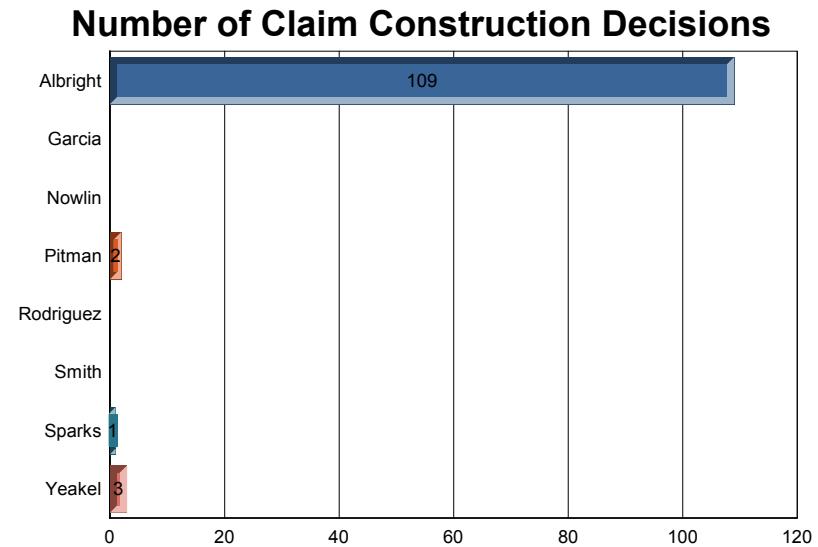


| | Total Number of Cases | Number of Closed Cases | Number of Open Cases |
|------------------|-----------------------|------------------------|----------------------|
| Total | 2083 | 1218 | 865 |
| Albright | 1767 | 932 | 835 |
| Biery | 3 | 3 | 0 |
| Cardone | 1 | 1 | 0 |
| Counts | 1 | 1 | 0 |
| Ezra | 4 | 2 | 2 |
| Garcia | 3 | 3 | 0 |
| Lamberth | 1 | 1 | 0 |
| Martinez | 1 | 1 | 0 |
| Montalvo | 2 | 2 | 0 |
| Pitman | 88 | 82 | 6 |
| Pulliam | 3 | 2 | 1 |
| Rodriguez | 12 | 8 | 4 |
| Sparks | 20 | 20 | 0 |
| Yeakel | 177 | 160 | 17 |

Total Number of Claim Construction Rulings: By Judge

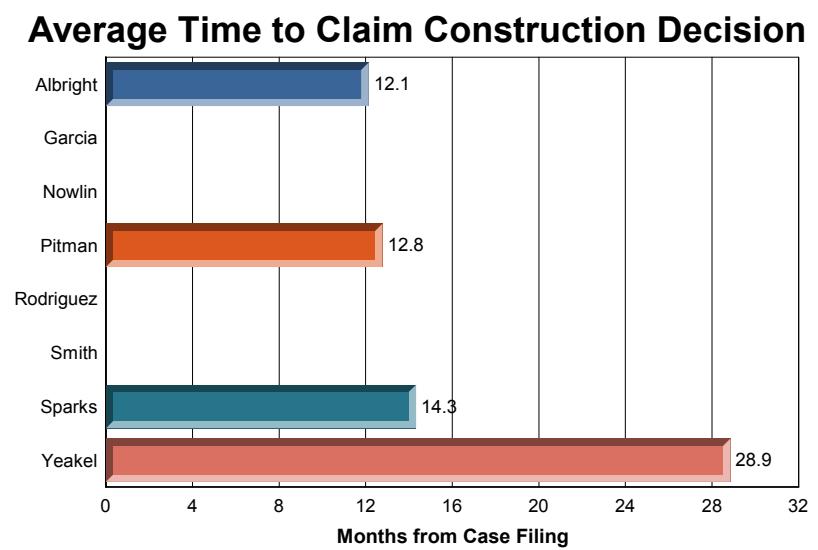
The number of claim construction rulings for each active judge is shown below. These figures do not include summary judgment decisions that may involve claim construction issues.

| | Number of Decisions |
|-----------------|---------------------|
| Total | 115 |
| Albright | 109 |
| Pitman | 2 |
| Sparks | 1 |
| Yeakel | 3 |



The average time (in months) from case filing to claim construction rulings for each active judge is shown below.

| | Number of Decisions |
|-----------------|---------------------|
| Total | 12.6 |
| Albright | 12.1 |
| Pitman | 12.8 |
| Sparks | 14.3 |
| Yeakel | 28.9 |

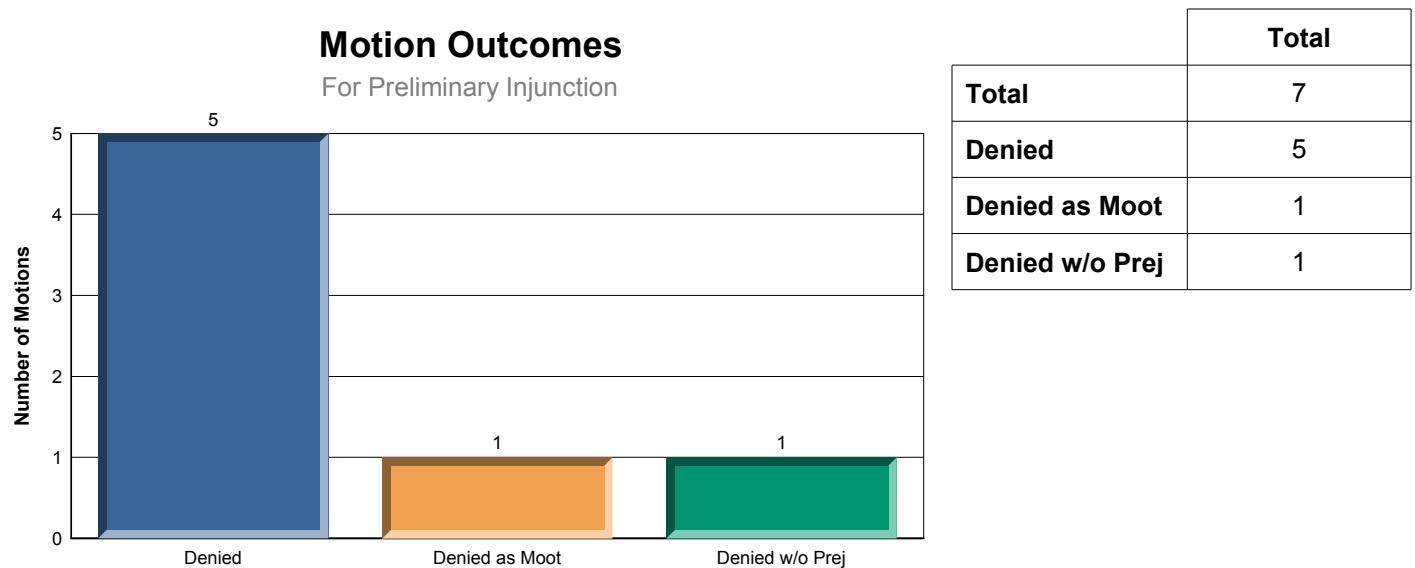


Motion Outcomes

The win rates and times to decision on contested preliminary injunction, stay pending reexam, summary judgment, and transfer motions are shown below. A motion that is granted in part and denied in part is treated as "1/2" granted, and "1/2" denied.

Preliminary Injunction

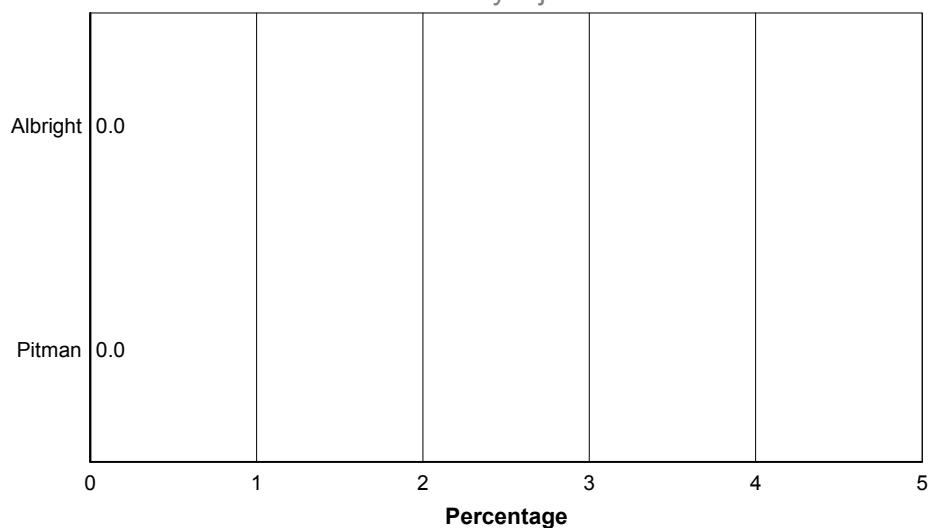
The number of Preliminary Injunction motions by outcome are shown below.



The win rates, by judge, on contested Preliminary Injunction motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.

Contested Win Rate

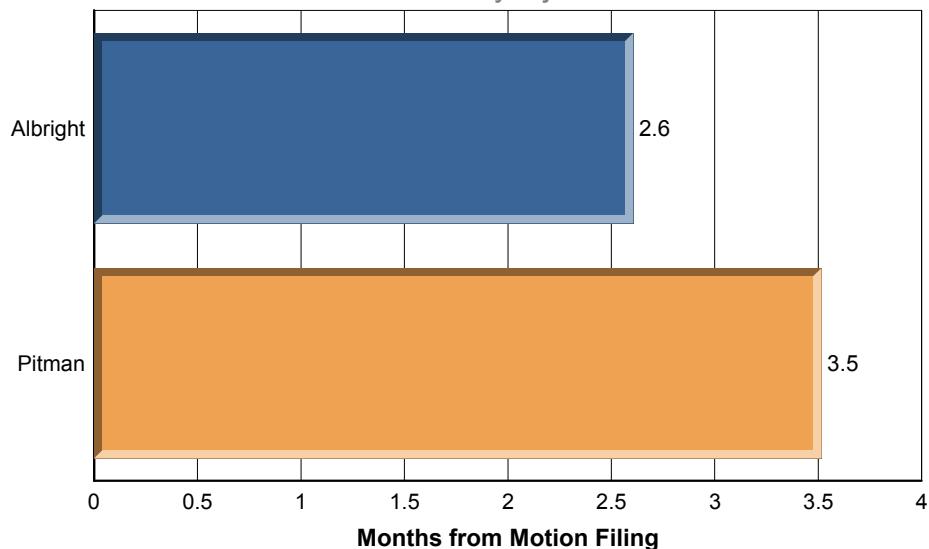
For Preliminary Injunction



The average times from motion filing to decision, by judge, on contested Preliminary Injunction motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Preliminary Injunction

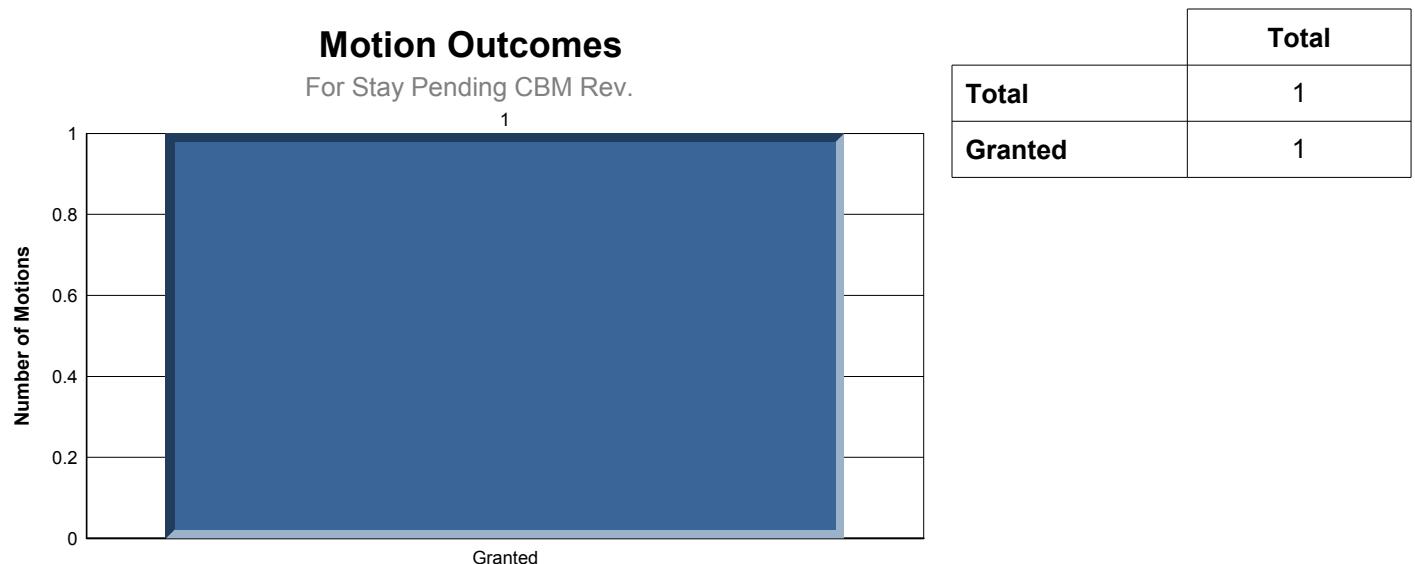


The supporting data for Preliminary Injunction motions is found in the following table:

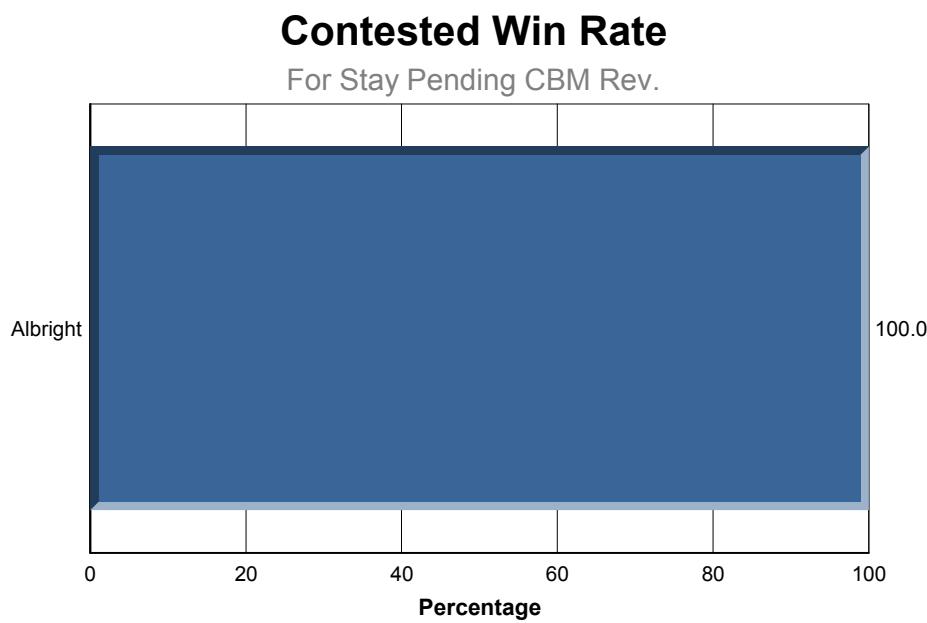
| | Total Motions | Contested Decisions | Win Rate | Time to Decision |
|-----------------|---------------|---------------------|----------|------------------|
| District | 7 | 6 | 0.0 | 3.1 |
| Albright | 3 | 3 | 0.0 | 2.6 |
| Pitman | 4 | 3 | 0.0 | 3.5 |

Stay Pending CBM Rev.

The number of Stay Pending CBM Rev. motions by outcome are shown below.



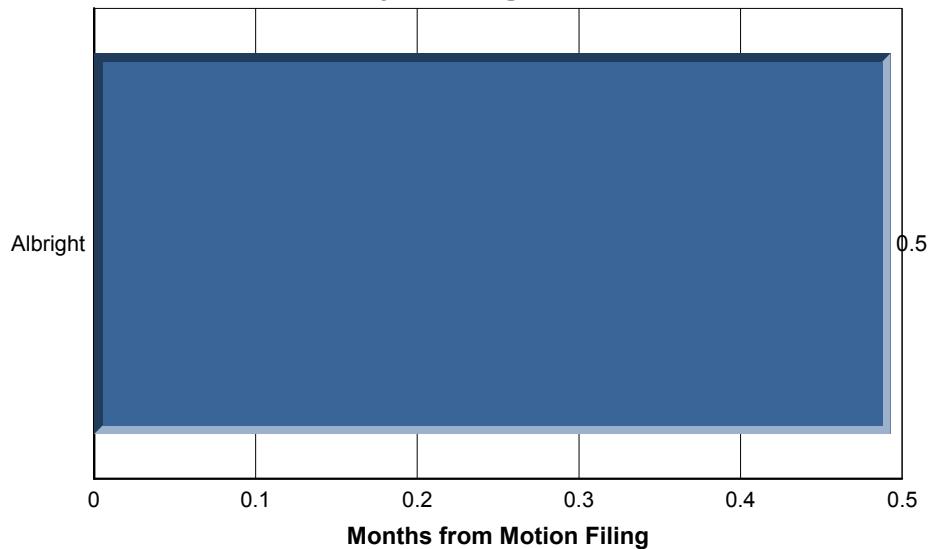
The win rates, by judge, on contested Stay Pending CBM Rev. motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Stay Pending CBM Rev. motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Stay Pending CBM Rev.

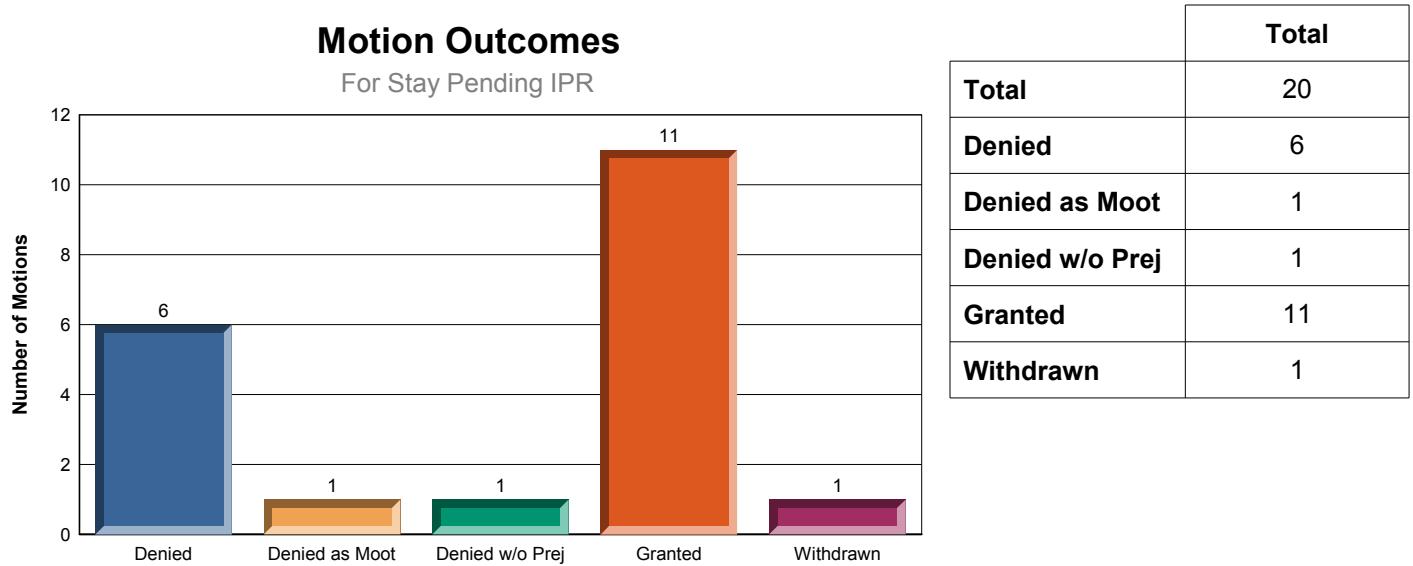


The supporting data for Stay Pending CBM Rev. motions is found in the following table:

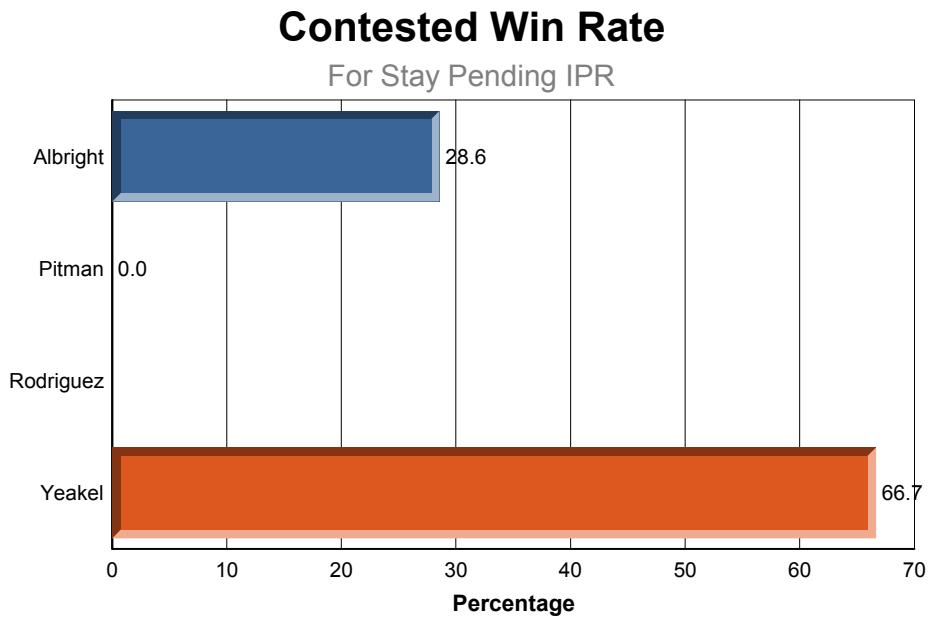
| | Total Motions | Contested Decisions | Win Rate | Time to Decision |
|-----------------|---------------|---------------------|----------|------------------|
| District | 1 | 1 | 100.0 | 0.5 |
| Albright | 1 | 1 | 100.0 | 0.5 |

Stay Pending IPR

The number of Stay Pending IPR motions by outcome are shown below.



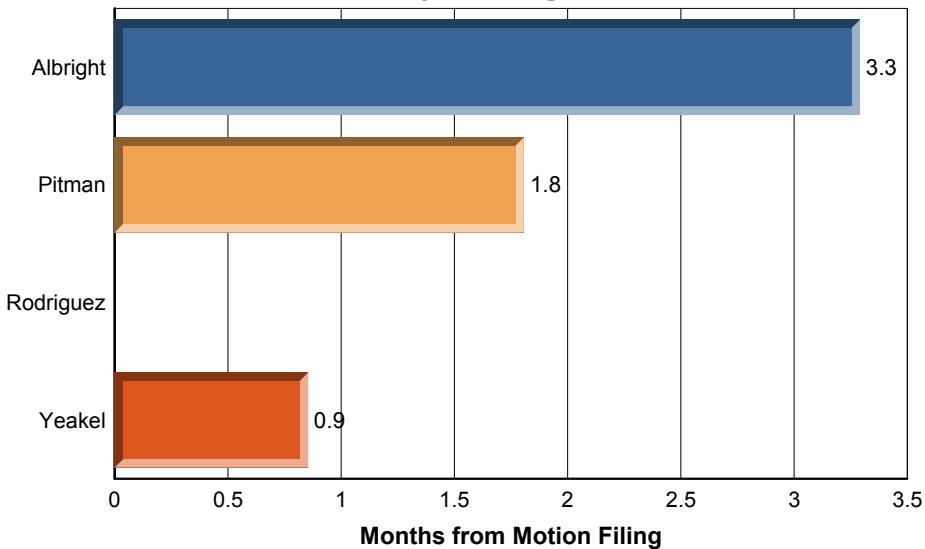
The win rates, by judge, on contested Stay Pending IPR motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Stay Pending IPR motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Stay Pending IPR

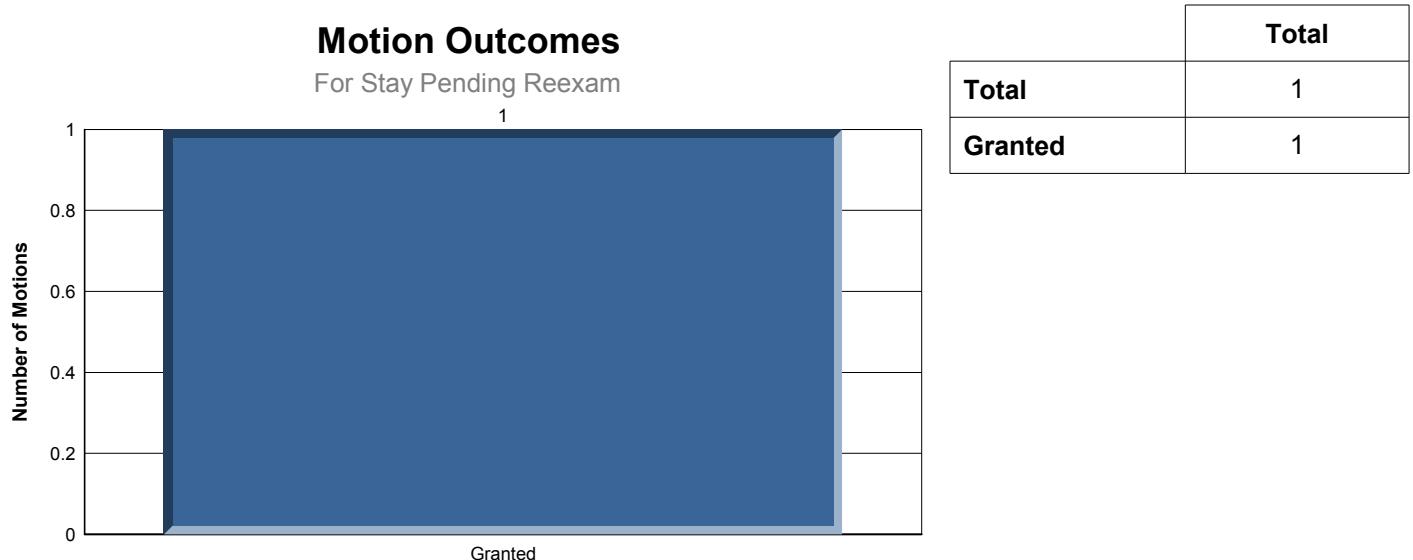


The supporting data for Stay Pending IPR motions is found in the following table:

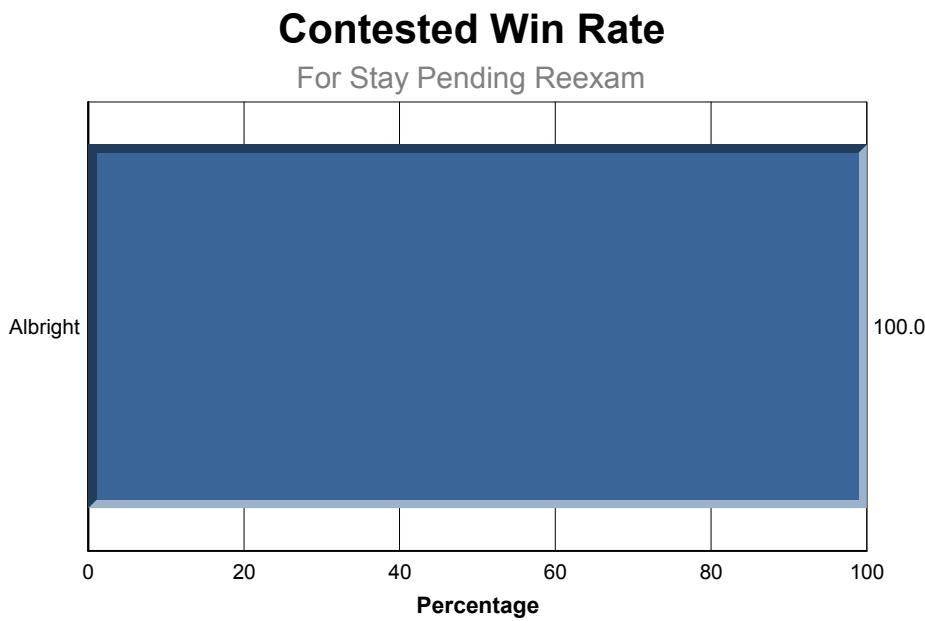
| | Total Motions | Contested Decisions | Win Rate | Time to Decision |
|------------------|---------------|---------------------|----------|------------------|
| District | 20 | 11 | 36.4 | 2.5 |
| Albright | 12 | 7 | 28.6 | 3.3 |
| Pitman | 2 | 1 | 0.0 | 1.8 |
| Rodriguez | 1 | 0 | | |
| Yeakel | 5 | 3 | 66.7 | 0.9 |

Stay Pending Reexam

The number of Stay Pending Reexam motions by outcome are shown below.



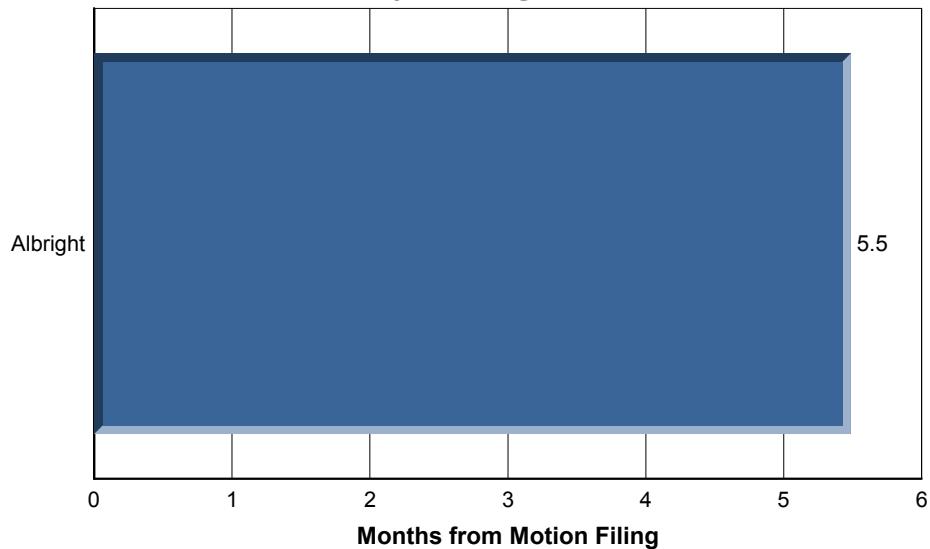
The win rates, by judge, on contested Stay Pending Reexam motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Stay Pending Reexam motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Stay Pending Reexam

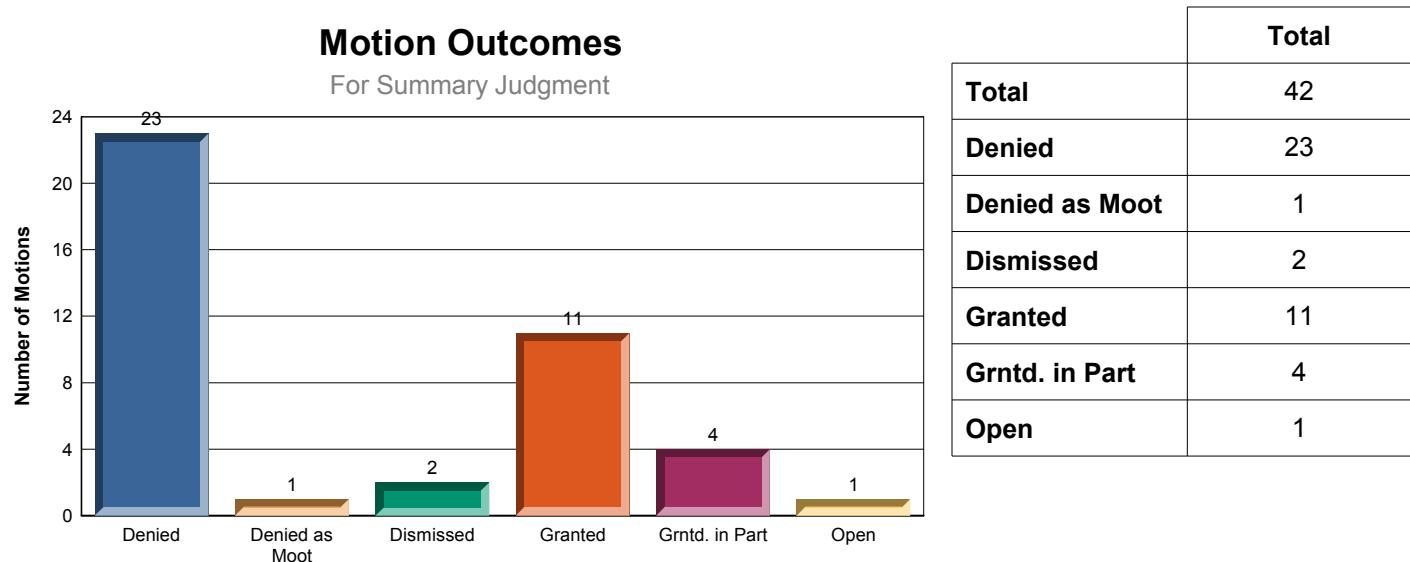


The supporting data for Stay Pending Reexam motions is found in the following table:

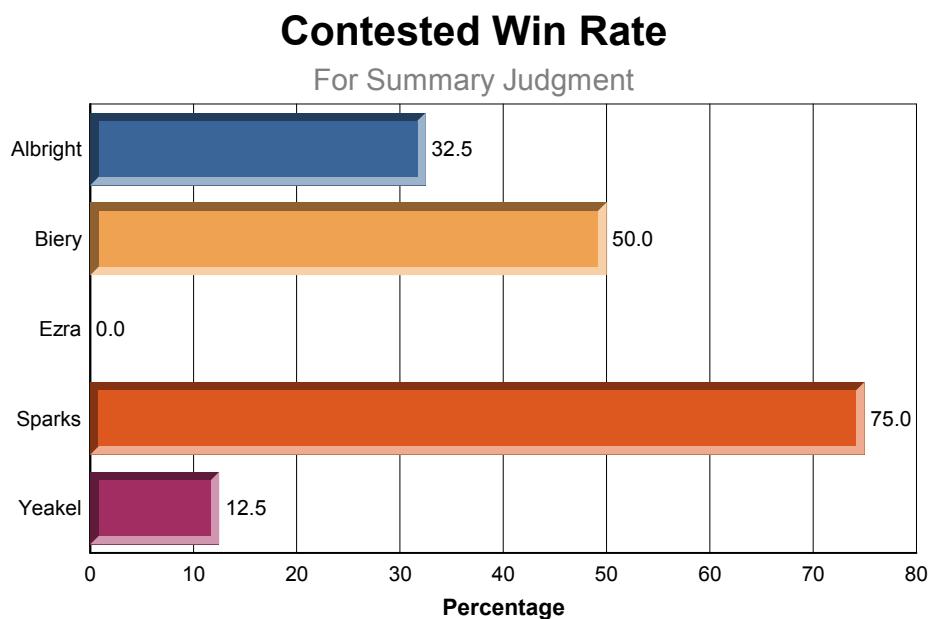
| | Total Motions | Contested Decisions | Win Rate | Time to Decision |
|-----------------|---------------|---------------------|----------|------------------|
| District | 1 | 1 | 100.0 | 5.5 |
| Albright | 1 | 1 | 100.0 | 5.5 |

Summary Judgment

The number of Summary Judgment motions by outcome are shown below.



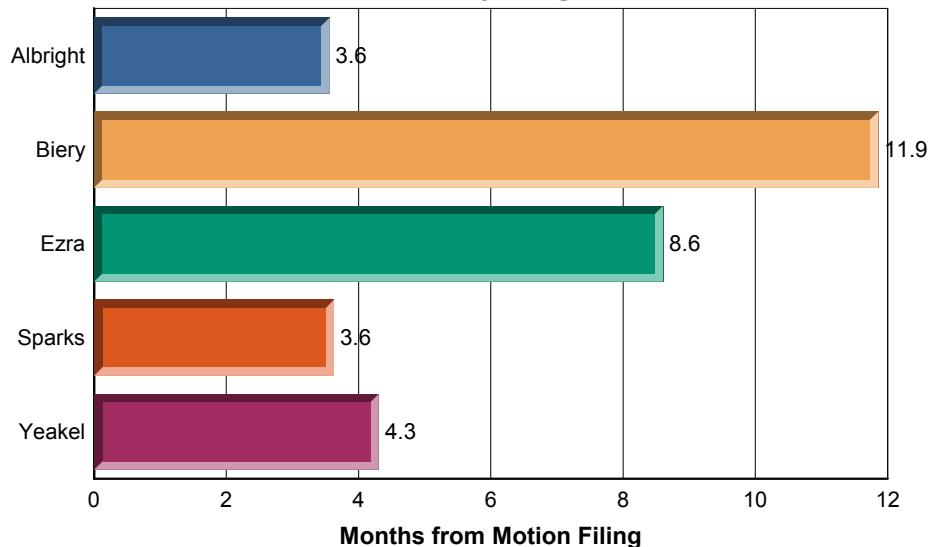
The win rates, by judge, on contested Summary Judgment motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Summary Judgment motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For Summary Judgment

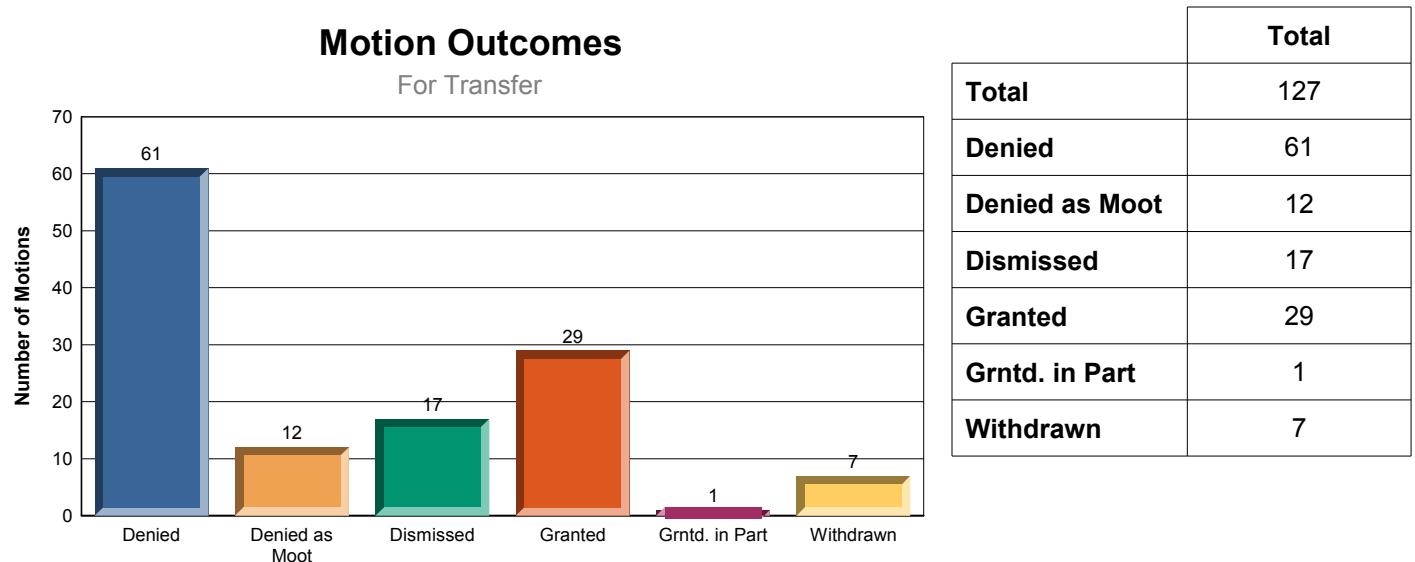


The supporting data for Summary Judgment motions is found in the following table:

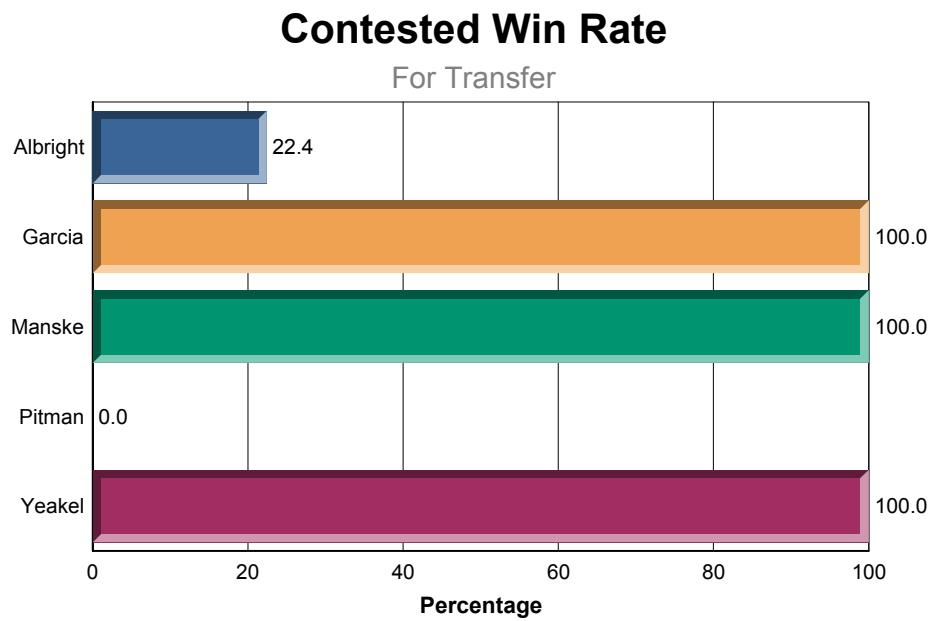
| | Total Motions | Contested Decisions | Win Rate | Time to Decision |
|-----------------|---------------|---------------------|----------|------------------|
| District | 42 | 35 | 28.6 | 4.6 |
| Albright | 23 | 20 | 32.5 | 3.6 |
| Biery | 3 | 2 | 50.0 | 11.9 |
| Ezra | 3 | 3 | 0.0 | 8.6 |
| Sparks | 4 | 2 | 75.0 | 3.6 |
| Yeakel | 9 | 8 | 12.5 | 4.3 |

Transfer

The number of Transfer motions by outcome are shown below.

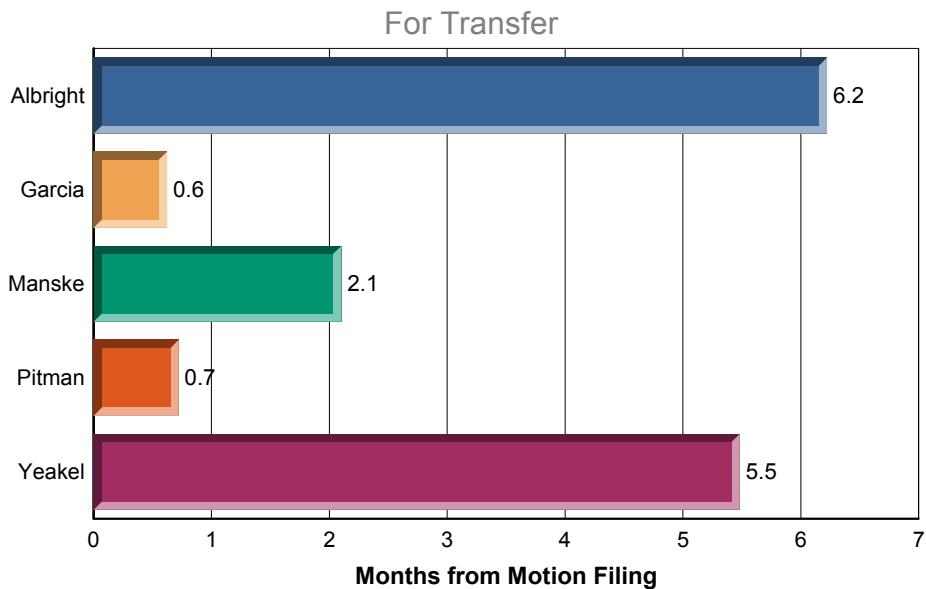


The win rates, by judge, on contested Transfer motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested Transfer motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

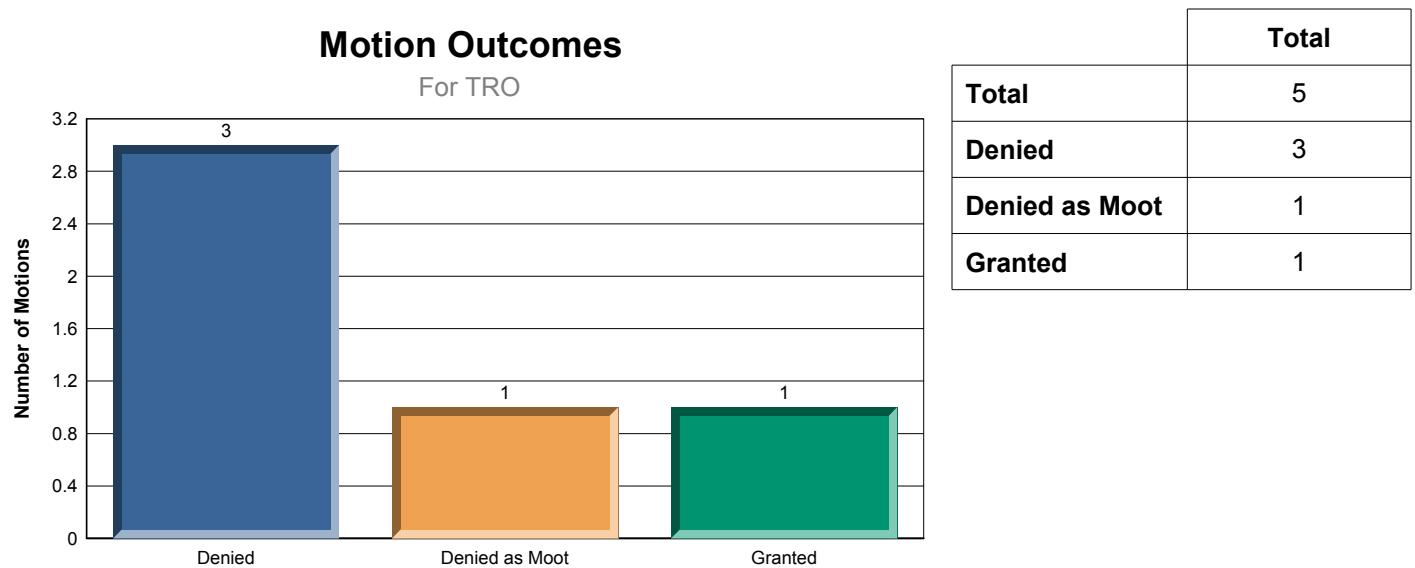


The supporting data for Transfer motions is found in the following table:

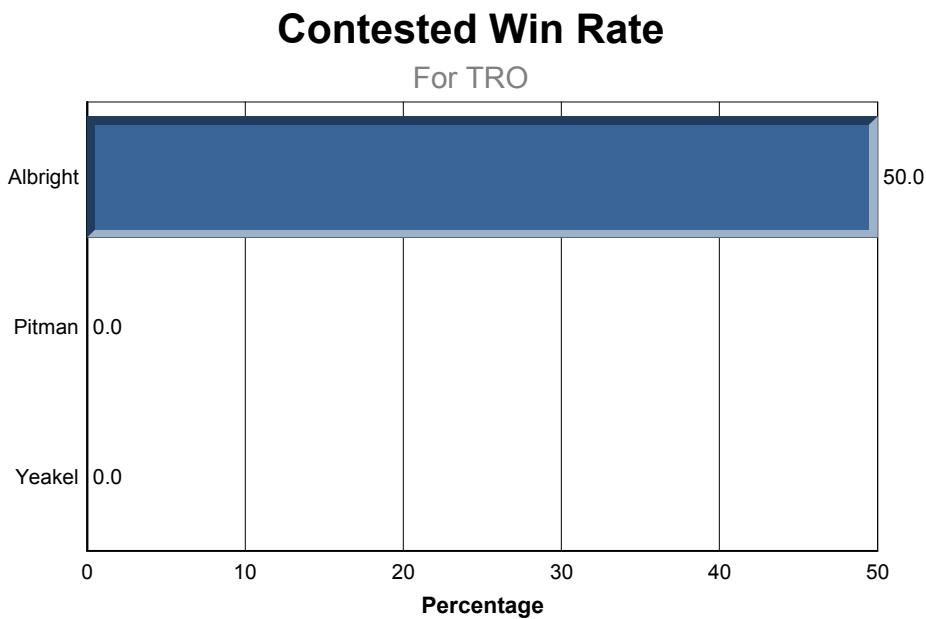
| | Total Motions | Contested Decisions | Win Rate | Time to Decision |
|-----------------|---------------|---------------------|----------|------------------|
| District | 127 | 91 | 32.4 | 6.0 |
| Albright | 113 | 78 | 22.4 | 6.2 |
| Garcia | 1 | 1 | 100.0 | 0.6 |
| Manske | 1 | 1 | 100.0 | 2.1 |
| Pitman | 2 | 1 | 0.0 | 0.7 |
| Yeakel | 10 | 10 | 100.0 | 5.5 |

TRO

The number of TRO motions by outcome are shown below.



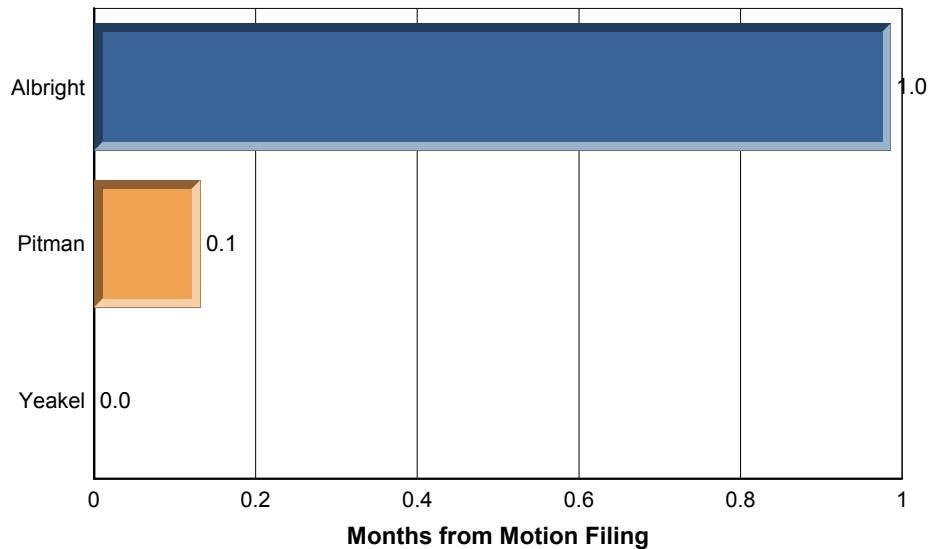
The win rates, by judge, on contested TRO motions are shown below. The win rate for judges with no contested decisions (if any) is left blank.



The average times from motion filing to decision, by judge, on contested TRO motions are shown below. The time for judges with no contested decisions (if any) is left blank.

Average Time to Decision, by Judge

For TRO



The supporting data for TRO motions is found in the following table:

| | Total Motions | Contested Decisions | Win Rate | Time to Decision |
|-----------------|---------------|---------------------|----------|------------------|
| District | 5 | 4 | 25.0 | 0.5 |
| Albright | 3 | 2 | 50.0 | 1.0 |
| Pitman | 1 | 1 | 0.0 | 0.1 |
| Yeakel | 1 | 1 | 0.0 | 0.0 |